



TRANSACTIONS
OF THE
ROYAL HISTORICAL SOCIETY.



TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

EDITED BY THE

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PENNSYLVANIA; AND CORRESPONDING MEMBER OF THE
HISTORICAL AND GENEALOGICAL SOCIETY OF
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PREFACE.

THE present volume will, it is hoped, be found in its contents not unworthy of its predecessors. In their efforts to secure suitable papers the Council have been unremitting ; and the interesting discussions which have occurred at the monthly meetings would warrant the belief that the selections made were generally approved. The formation of a *Genealogical Section* will relieve the TRANSACTIONS from memoirs relating to family history, and likewise extend the breadth of the Society's labours. It is at the same time the Society's aim, apart from its recorded labours, to promote a general interest in historical inquiries. The Council have the gratification to report that the membership continues steadily to increase ; in December, 1875, the Fellows on the roll were 466 ; they are now 525.

CHARLES ROGERS,
Historiographer.

SOCIETY'S ROOMS,
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January, 1877.



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TRANSACTIONS
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SOME CONSIDERATIONS ON THE ORIGIN OF
MONARCHICAL GOVERNMENT.

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THERE is nothing more beneficial to the philosophy of human thought than the scientific study of human institutions. To know how man's thought has grown to what it now is from the rudest atom of intellect must be a contemplation worthy of the greatest consideration, and that by the greatest minds. It is only of late years that it has been at all possible to penetrate into the reality of primordial society, whatever might have been the extent of its mythical existence; and this has been accomplished by the great inductive sciences. Comparative philology has led the van, and shown the track; it only remains for comparative jurisprudence to hesitate no longer on the threshold of its existence,* but to follow up these indications, thereby bringing us nearer to our primeval ancestors, in thought as well as history; and, consequently, nearer to ourselves.

* "I hesitate to call it comparative jurisprudence," says Sir H. Maine in his Rede Lecture at Cambridge, 22nd May, 1875, "because if it ever exists its area will be so *much wider than the field of law*." Bolingbroke has predicted the position law would hold among the "sciences" when men find leisure and encouragement to climb up the vantage of science instead of grovelling all their lives to the little acts of chicane.—*Vide* "Bolingbroke's Letters," No. 5.

Foremost among the institutions of mankind, ancient as well as modern, stands monarchical government ; and it is to this, in its relation to primeval thought, it is now proposed to direct attention. At first we are able to draw some line of demarcation between the first principles, if they may be so termed, and their after growth ; but it very quickly vanishes before the new elements gradually associated with them. The attributes attached to the idea of personal government were originally derived from the mind of the people themselves—when, indeed, the “people” had hardly earned that term ; and though democracy is generally described as the popular form of government, it was in the popular imagination that the sanctity of the throne and the royalty of the person of the sovereign first found an origin.* Their recognition of this ideal chief was much modified, if, indeed, it did not entirely vanish, when the circumstances calling forth the hero had passed away. But those who had assumed the character and partaken of the privileges of kingship were not disposed to allow it to be easily thrown aside, and it became their object to promulgate gradually increasing ideas of kingly power, which in its primitive state really owed its establishment to popular opinion.

An instance of an epoch in early thought with regard to government is shown when the Greeks transferred their word *kubernan*, to steer a vessel—a word in every day use among them—to the person or persons entrusted with the direction of public affairs, and restricted the term finally to mean “to rule.”† This is clearly an indication of a decisive and distinct step in Grecian thought ; how it altered, how it assimilated itself to new conceptions, is lost amidst the many variations accompanying the development of Rome from

* Vico points out the personifying instinct as the spontaneous philosophy of man to make himself the rule of the universe, and to suppose everywhere a quasi-human agency.—*Vide* a long and learned note in Mr. Grote’s “Greece,” vol. i., page 473, note 1.

† This is from the Greek colonists of Italy, who adopted the latter interpretation, and clothed it with the Italian garb “*gubernan*,” used by the Romans, whence it was adopted by ourselves in “governor.”

these Grecian colonists ; but it is by landmarks like these that we are enabled to trace back full-grown ideas to primitive conceptions. Although no record is left of the earliest tendency of man's thoughts, it is but natural to assume that those which first partook of a homogeneous character were in relation to his social welfare ; and the most important, if not the *first in point of time*, must have been the germs which ultimately led to the formation of monarchical government, for truly may we say with Carlyle, "How indispensable everywhere is a king in all movements of men !"*

Some kind of government, call it by what name you will, must have been adopted as soon as social existence began to develop itself. Modern thought cannot conceive a time when mankind existed on the earth without having some one to look up to as a superior, some higher power than his own unregulated passions to obey. One of the happiest passages of Bolingbroke is peculiarly true here,—“There is a strange distrust of human reason in every human institution, and this distrust is so apparent that an habitual submission to some authority or other is forming in us from our cradle.” Whether the conceptions of modern philosophy are strictly applicable to the remote past cannot receive proof now : among the ancients, Aristotle perceived very clearly that union in a political society is *essential to human nature* ; but though we cannot distinctly trace opinions on this point much further back, it seems indeed to be inherent in man's

* The memorable dictum in the “Iliad” is a heritage of early times. “The rule of many is not a good thing : let us have one ruler only, one king—him to whom Zeus has given the sceptre and the tutelary sanctions.” Democracy was a later Grecian thought. Histæus, in his speech at the Council of the Ionians who guarded the bridge over the Ister for Darius, says, “There is not one of them (Grecian cities) which will not prefer democracy to kingly rule.”—“Herodotus,” iv., cap. 137. This change of opinion is some proof of the statement in the text. Plato almost suggests my quotation from Carlyle in the question by the Athenian to Cleinias (“Laws,” book i.), “Would you not acknowledge that in all gatherings of mankind, of whatever sort, there ought to be a leader ? Certainly I would.”

† Letter to Lord Bathurst on “Retirement and Study.”

nature to be governed ; for it is seldom that even the wildest dreams of fanatics or enthusiasts advocate the total abolition of it. The original people, a forest tribe of the Malay peninsula, are noted by Dr. Pickering ("Races of Man," p. 305) to have neither king nor chief of any kind ; but even here we find one remaining limb showing a connection with the archaic rules of civilized law. There is one man among them to whom they refer all their requests and complaints, and invariably adopt his decision ; and in him can be easily recognised a type of the umpire, *vir pietate gravis*, endowed with so much importance by Sir Henry Maine in his considerations on the origin of justice.* We often meet with notices of a people possessing no laws (as, for instance, the Androphagi of Herodotus, book xiv., cap. 106) ; but Sir John Lubbock's remark is pretty generally true, that "the lower races of man may be said to be deficient in any idea of *right*, though quite familiar with that of *law* ;" or, in other words, judging from the illustration that follows, which I preserve in a note,† of government.

Though the germs of monarchical government are intimately connected with the origin of law, there will be no necessity at this juncture to enter into those abstract questions relating to law and sovereignty which have occupied the attention of analytical jurists. The power to enforce obedience must have existed before the definition of any mode which that obedience was to adopt—except that it was to be *absolute* ;‡ and, as we shall see afterwards on the extreme sterility of primitive thought, made very little distinction among rules of action that now are widely divergent.

* *Vide* Maine's "Ancient Law," pp. 376, 377, and "Early Institutions," p. 253.

† Lubbock's "Primitive Man," p. 269. "At Jenna," he continues, "whenever a town is deprived of its chief the inhabitants acknowledge no law, and until a successor is appointed all labour is at an end."

‡ Obedience is described in the Behistun inscription in these forcible terms,—“That which has been said to them by me, *both by day and by night*, it has been done by them.” Compare speech of Megabazus to Darius, "Herodotus," book v., cap. 22, where the same expression, "by day and by night," is used.

The much-vexed question of the origin of society may perhaps be considered only a necessary commencement to an inquiry on the origin of government. But this is, and must ever be, a matter of pure conjecture, which, as I hope to show, is not the basis upon which these inquiries are made. What Mr. Fiske has termed cosmic philosophy attempts to deal with the subject of an incipient social evolution in a manner "entirely new in all its features," and on its face it bears a mark of strong plausibility, *not* wholly opposed to historical criticism. It is based on certain causes and effects arising from a supposed prolonged infancy of man, and forms, in the author's opinion, a clue to the solution of the entire problem as to the origin of the human race. It recognises the important influence of paternal authority; it bears evidence to original family groupings, and a subsequent clan formation; it can perceive feelings of hostile rivalry arising among different clans; and it almost points to an extension of paternal into patriarchal chieftainship. That eminently original thinker, Vico, forcibly sets forth the strong mental analogy between the early stages of human society and the childhood of the individual; and this idea again finds an echo amidst the researches forming the science of religion.

But there is no need for our present purpose to anticipate the question of man's social existence so far back in the great past as this, for it is laid down by the incontrovertible rules derived from comparative jurisprudence, that we may fairly treat the stage at which *the family* is constituted as that at which the history of human society, in the proper sense of the term, begins; and we are justified in calling the usages of that stage the primitive institutions of society. That the family was the *original unit of society* cannot reasonably be doubted in face of all the overwhelming proofs we have of the almost universal influence which it has exercised, and still exercises, on the social history of man; but that many disturbing causes constantly upset its regularity of development is of course equally apparent, and it is to this fact we may ascribe one or two instances of unregulated people to be met

with in the history of ancient nations. We have an example in the Auseans of Herodotus, who neither married *nor lived in families*, but dwelt together like the gregarious beasts (book iv., cap. 180). Disturbing causes are to be discovered in each of the three ethnic divisions of mankind, but not in equal proportions. The Turanians are the most liable to their influence, while the Aryans have presented to us, even in modern times, many customs undoubtedly existing before the separation of man from a common home.

It may be as well perhaps to say something as to the guides accompanying us in our investigation, who, though differing widely in the character of their researches, are uniform in the results they bring forward. The common origin of mankind from our first parents is but the natural beginning of the formation of the family ; and the common origin of mankind is a fact proved alike by the historian and the philologist, the naturalist and physiologist, though there exist sections of each school who adopt a contrary theory. "The institutions of all ancient nations," says Niebuhr, "have originally a great resemblance to one another ; but in later times they diverge till all resemblance disappears.* It does not follow from this, however, that all notions of the early social existence of mankind must necessarily be obtained from primeval record. The principles of the comparative method gives a broader ground work of investigation, but it is unnecessary to enter into any details as to the line of inquiry which this method adopts ; it will suffice to draw attention to the fact that societies developing within historical times, and societies which have not been progressive, are conceived to be types of that primitive state of which no direct record has descended to modern times, and therefore analogies drawn from their history may be taken as arguments and facts concerning primeval society.

It will not be an inapt illustration of this system to quote

* "Ancient History," vol. i., p. 290. Sir G. Wilkinson also remarks of Egypt, that at the most remote period into which we have been able to penetrate civilized communities already existed, and society possessed all the features of later ages.

the aphorism of Solomon, that "nothing is new under the sun." History repeats itself, not once or twice, but over and over again, in a manner not to be mistaken, and from this established axiom in the cycle of man's life we get a view of primitive society, not chronologically set out certainly, but arranged in unmistakable epochs, contemporary, so far as events are concerned, though not in point of date.* Savigny, in the eloquent preface to his first volume, has explained the object and procedure of the historical school of jurisprudence. Sir Henry Maine, in the first chapters of his "Ancient Law," has been a further exponent of this method; and I am anxious to travel, if possible, the same line of inquiry, in order to elucidate, by this means, some of the principles attached to the origin of monarchical government.

The help which Sir Henry Maine renders in his work on ancient law, though opening up many new fields of research, and directing, in a great measure, the manner to set about our work, is necessarily limited in its extent. He describes an order of things and a description of thought relating almost entirely to modern Aryanism (if I may so term it), which, though stripped from the preponderating influence of Roman jurisprudence, are not always carried further back than the germ thus obtained. This germ no doubt has enabled researches to be made for similar phenomena elsewhere, and has thus *established a primitive characteristic*; but nearly all the evidence it produces on the question of primeval society is derived from institutions and thoughts existing *after* the establishment of the Roman legal system, which, argued through the influence-exerting medium of

* "People ask what is gained by comparison. Why, all higher knowledge is gained by comparison and rests on comparison. If it is said that the character of scientific research in our age is pre-eminently comparative, this really means that our researches are now based on the widest evidence that can be obtained, on the broadest inductions that can be grasped by the human mind."—(Max Muller's "Science of Religion.") But Niebuhr also says truly that instances are not arguments, though in history of scarcely less force; above all, where the parallel they exhibit is in the progressive development of institutions.—"Rome," i., p. 345.

Roman jurisprudence, or interpreted by the type that Roman society has presented, gives but little elucidation of actual ante-Romaic history, except by the force of analogy. This would be invaluable if we possessed nothing more. The Hindoo village community is not entirely divested of these considerations, though much less influenced by them. But there exists a wonderful storehouse of knowledge in the discoveries of Sir Henry Rawlinson and others among the monumental inscriptions of Asia, which, though not very widely divergent, present a somewhat purer view of early thought than when it has been sifted through the sieve of Roman influence. Sir John Lubbock, too, demands some attention to the claims of the barbarians of the present time, as well as the barbarians of Tacitus, to be considered as a branch of the once undivided human race, and therefore capable of giving evidence for the comparison of social institutions. A remark of Dr. Pickering lends authority to this claim. "If the human family," he says, ("Races of Man," p. 291), "*has* had a central origin and has regularly and gradually diffused itself, followed by the principal inventions and discoveries, the history of man would then be inscribed on the globe itself; and each new revolution obliterating more or less of the preceding, his primitive condition should be found at the furthest remove from the geographic centre." But though quite acknowledging the truth of these arguments, I cannot imagine that Sir Henry Maine's conclusions would in any way be materially affected by additional considerations from modern barbarism taken from the standpoint he adopts. Sir John Lubbock seems to think this would be the case; but those existing tribes which are stated to differ in their organization from ancient society may have fallen lower than their original primitiveness, in consequence of desuetude and idleness,* as we may ascribe the same disturbing causes I have

* "In historical inquiries," says Niebuhr, "we generally conceive things as in a progressive development, and do not take into consideration that the course of events often resembles a cycloid. When we see a state in the condition of progress we imagine that during the preceding

already mentioned, and consider them to be the representatives of those illiterate branches of the human family who are classified by Bunsen as having hitherto taken no place in the history of the world.*

Another fertile source of information, comparative philology, is the chief means of directing the student where comparative history by itself would have failed him. "A history of Aryan civilization has been written from the archives of language," says one of the most distinguished and learned scholars of this valuable science, "stretching back to times far beyond the reach of any documentary history." It clearly and decisively gives evidence on the one important point, round which all the remaining portions of our inquiry cluster, namely, the common ancestry of races and the common ancestry of mankind. "The millions of people," to use a quotation from the same author just referred to, "who speak and have spoken for centuries, from Ceylon to Iceland, in innumerable dialects, shrink together into one small point, and are represented, as it were, by one patriarchal individual, the first Aryan, the ancestor of the Aryan race; for on all the Aryan dialects there is one common stamp,—a stamp of definite individuality, and intelligible only as the work of *one creative genius*."† It is impossible to mistake the tendency of such facts as these, and the influence they must have on the elucidation of the principles of personal government, only as yet dimly shadowed forth in an incongruous infancy.

But language teaches yet more during the progress of our

period also it was always in a similar state of advancement, and we overlook the fact that a country often makes a great movement in advance then goes backward, then rises again, and again becomes retrograde."—("Ancient History," vol. ii., p. 97.) May we not apply this to tribes as well as to nations?

* *Vide* Bunsen's "Philosophy of Universal History," vol. i., p. 64, 1st sect.

† Max Muller's "Essay on Comparative Mythology," "Oxford Essays," 1856.

‡ Max Muller's "Turanian Letter."

investigations. It does not allow us to penetrate into these remote periods of time, show us one grand fact as a starting-point, and then leave us to grope our way to modern times by the help of a vivid imagination or a too easy deduction of speculative theories. It lends an important aid all along our line of march. For instance, it is open to proof that the word adopted by different nations as a distinctive title for their monarch indicates the original idea from whence the monarchy sprang, and therefore the real characteristic of their respective chiefs. That this is not improbable, or even impossible of proof, I think may be shown from numerous historical instances :—The Greeks on settling in Africa appear to have adopted many customs from their barbarous neighbours. As their monarchs took the name of “battus,” the native term for king, so the citizens generally conformed to African manners (Rawlinson’s Herodotus, Book iv., vol. iii., page 165). This clearly points to an adoption of manners leading to an alteration of title, and solely from a popular point of view ; for Niebuhr has observed and illustrated what we must recognise as truth, the magical power exercised by the Greek national character and language over foreign races that came in contact with them (Rome, i, p. 50). Again, when the Eupatrids of Athens formally abolished the name of “king,” and substituted that of archon or ruler (Justin, ii., 7), such a change undoubtedly implied more than it explicitly asserted. The alteration of title (to use the words of Rawlinson himself) would symbolize, and thereby tend to produce, a diminution of authority. (*Vide* Rawlinson’s Essay, II., App., book v. Herodotus, vol. iii.) Thus, though history relates the monarch’s views of his title and power, the science of language will throw some light on the popular opinions which led to the placing of the sovereign power in the hands of an individual.*

The first axiom to be derived from these considerations is that men are first seen distributed in perfectly insulated

* “I conceived that by ascertaining the original meaning of the designation of an office, we should be better enabled to form a judgment of its original duties.”—*Hampson’s Preface to “Origines Patriciæ.”*

groups, held together by obedience to a parent;* and it would be well to first clearly understand this primitive unit of society, which has always existed in ancient history, and tends to exist in modern, however much it may have been absorbed in larger groupings.

Its fundamental principle of existence was obedience to a parent. History and analogy point out this early power of a father over his own household to be *despotic* and *supreme*. Theorists have endeavoured to picture a state of nature as beautiful in conception as it is impossible in reality, and have used this very organization of family groups as an argument in favour of their ideal of original civilization and happiness of early mankind. "In the infancy of nations," says *Volney* ("Ruins of Nature," p. 30), "original equality, without the aid of convention, maintained personal liberty and produced order and good manners." The modern school of utilitarianism adopt as a basis of their reasoning the same idea of the original equality of man. But all history is opposed to this theory, which is altogether a much later conception, and produced by entirely different circumstances.† Contrast it with what we know of the earliest formations of society—Biblical, Roman, Hindoo, and Slavonian, and *there* the absolute supremacy of the parent is shown to extend in his own household, unqualified and unquestioned, even to life and death. The Institutes of Gaius, perhaps the most perfect body of archaic law in existence, sufficiently prove, and Sir Henry Maine's valuable commentaries sufficiently explain, to what an almost unprecedented extent this power was carried among the Romans. Sir Gardner Wilkinson has examined the subject among the Egyptians and his views are hardly less conclusive; while a tablet of primitive Accadian laws

* Sir H. Maine's "Ancient Law,"—"According to the laws of all nations, and of all times, the father must be recognised as the head of the family."—*Savigny*, "*Priv. Int. Law*," xxxvi., p. 379.

† Rawlinson alleges that it originated from Greek thought. Amidst the toils and dangers shared alike by all in the troublous times of Greece the idea of political equality took its rise.—"*Man. of Anc. Hist*," p. 124.

given in the third volume of "Records of the Past," from a translation by Mr. Sayce, points decidedly to a rigorous parental power. Among the Greeks, also, similar power was permitted to the fathers, and the Spartans even prevented the parent from nourishing his children unless deemed sufficiently healthy to bear the ills of life. Aristotle, in his general theory of government, follows Plato in laying down the position that the earliest sources of obedience and authority *are personal*, exhibiting themselves most perfectly in the type of *paternal supremacy*. Consult, again, the histories of the savage tribes of the present time, and we have represented a picture of society which, placed side by side with the records of prehistoric times, indisputably shows the marks of an uncontrollable despotism. Even in modern civilized countries, though the power of the parent is much modified, there still exist undeniable proofs of its despotic origin; and in Russia a married son does not establish a separate household as long as the head of the family is living.* Language presents decisive evidence on this point: Grimm identifies, *arbja* heir, with the Slavonic *rab*, slave; supposing that sons and heirs were the first natural *slaves*. Sir Henry Maine, indeed, suggests that many causes which helped to mitigate the stringency of the father's power do not lie upon the face of history. We cannot tell, he says, how far natural affection may have rendered it enduring. This no doubt explains away many difficulties that appear to *modern thought*; but the existence and the uninterrupted exercise of parental despotism, when necessity called for it, must be an undoubted phase in the history of man's social organization. Natural affection would exert itself where the children are not many; but as Montesquieu says, when a great many wives are taken the father comes to have such a multitude of children that he can hardly have any affection for them, nor the children for one another.† It

* *Vide* Rev. J. Long's "Village Communities in India and Russia," Appendix B. "Relics of the Patriarchal System in Russia."

† Artaxerxes, for instance, put all his children to death for conspiring against him (Justin); and the well-known exercise of parental power by

is only on such an assumption as this, bearing great internal proof, as well as indirectly confirming the wonderful growth of population among early mankind, that we can comprehend the nature of such proofs of the complete submission of man to the control of one of his own race; and it is the *earliest form of government* he is known to have instituted or recognised.

I must here mention, what I am indebted to Sir Henry Maine for discovering, that this selfsame unit of society is the only one allowed by Austin to be an exception to the rule that sovereignty is universal among mankind. But *family society* was to Austin only a theory, or a fact but dimly foreshadowed; now it has become one of the most important discoveries of history that the comparative method has brought to light. I will give the passage at length as illustrating what I have already advanced, and as representing in language far more forcible than I could use the original commencement of personal sovereignty:—"Let us suppose that a single family of savages lives in absolute estrangement from every other community. And let us suppose that the father, the chief of the insulated family, receives habitual obedience from the mother and children. Now, since it is not a limb of another and larger community, the society formed by the parents and children is clearly an independent society, and since the rest of its members habitually obey its chief, this

Brutus in executing his sons does not indicate much natural affection. We know it also to be a question of history that some people sell their children for slaves—the Moschi of Herodotus, for instance.

* Proofs from all ancient society are not wanting. Niebuhr says of Egypt that they had only a very small number of names, and in order that in legal documents there might be no doubt as to the identity of persons, they always mentioned the name of the father. A person is described as the son of So-and-so, &c., &c.—("Anc. Hist.," vol. i., p. 46.) "To the present day," says Wilkinson ("Egypt," i., p. 73), "a son is not expected to sit in the presence of his father without express permission." St. Paul, in his Epistle to the Galatians, alludes to the peculiarity of their law: "The heir as long as he is a child differeth nothing from a servant, though he be lord of all" (iv. 1); and *vide* chap. xx. of Grote's "Greece."

independent society would form a society political, in case the number of its members was not extremely minute. But since the number of its members *is* extremely minute, it would, I believe, be esteemed a society *in a state of nature*; that is, a society consisting of persons not in a state of subjection. Without an application of the terms which would somewhat smack of the ridiculous, we could hardly style the society '*a society political and independent*;' the imperative father and chief '*a monarch or sovereign*,' or the obedient mother and children '*subjects*.'—(Vol. i., page 183.)

But this simple grouping of mankind could not continue in its integrity; for parental power assumed other aspects with the growth of ideas among mankind. Long before the combination of families was allowed to grow into a tribe, long before these isolated groups of human beings thought of any extensive alliance with each other, wrongs had been committed, and the father became judge; religion had found its generating spring, and the father became priest. Yet parent, judge, and priest were so essentially bound up together, that government, law, and religion are traceable to one common origin—the father governing his children and dispensing justice—the *true* dawning of religion—between brother and brother.

Before proceeding to the next stage of development, another consideration of parental society (if the primitive state here indicated may be so termed) must be noticed. It arises from some late investigations on the subject of consanguinity among early mankind, and has been touched upon by Sir Henry Maine in his last work upon "Early Institutions" (Lect. iii.), which I have already extensively used. Theories, especially when based upon solid and firm foundations, are very apt to become conventional, and using the terms "family," "parental," would induce many to suppose that parental society must have come into existence *after the establishment of marriage between single pairs*. If we consider the ancient family from the modern point of view this would appear to be only a necessary conclusion; but that it cannot be so considered becomes apparent from the most superficial study, and

the internal evidence of man's progress does not teach this view. The study of primitive customs gives no reason to suppose that women did not hold originally an equal position with men, and therefore allowed themselves equal rights with regard to forms of marriage. The so-called cosmic philosophy presents us with a theory from which may be dimly gathered an origin of marriage between pairs at a **very early** stage of human existence, and which indeed would form also a cause for the formation of family groups. But the position here assigned to the children is **too** unhistorical, too peacefully homelike, to be accepted at once, however it may recommend itself to our fancy. "A man," says Sir John Lubbock, "was first regarded as merely related to his family." And what constituted this relation? Not the fact of being born of a certain mother, but being the offspring of a man who had become powerful enough to undertake the duties of a parent, to be chief (and therefore protector), judge, and priest of a household owing its very existence, and therefore its constitution, to this one generator. It matters not whether we see at this early date the dawn of that great problem now vexing the modern political arena, namely, the position and property of married women; for whatever may be considered by the best scientists to have been the most primitive form of marriage, the one great fact remains that the children born were considered to be the offspring and property of the chief, without any reference to the mother; they held their father's name, and were considered to be of his blood and his generation.* This phase of thought became stereotyped to modern

* Of course there are exceptions to be met with even to this almost universal rule. Herodotus mentions that the Lycians had one singular custom, in which they differed from every other nation in the world. They take the mother's and not the father's name.—(Cap. 173, book i.) Among the Nairs of Malabar the institutions all incline to a gynocracy, each woman having several husbands, and property passing through the female line in preference to the male.—(*Ibid.*, Rawlinson's Notes to book iv.) But a remark of Wilkinson on the Egyptians (vol. ii., p. 66) alludes no doubt to a type of the general custom which the text mentions. The same customs prevailed among the Egyptians regarding children as with Moslems and

times in the custom of certain savage tribes of America taking every care of the father at the birth of a child, while the condition of the mother is not thought to be of any moment. It grew on to further stages, to become the most important incentive which led to the fiction of adoption, thereby making the ancient idea of a family a much more important unit of society than modern thought can well conceive it to have been. It was the very looseness of the marriage tie, even if we can imagine any tie to have existed at all, that dispelled the important influence of natural affection, thereby making adoption possible; and these differences from the modern family formed the antidote to a too restricted conservation of social existence, leading portions of mankind to expand into wider circles, and so allow the whole human race to escape a lukewarm existence or thorough decadence, and ultimately direct us with finely graduated but ever accelerating steps to modern civilization.

But at the very outset we meet with a question of consanguinity which materially assists us to understand this extension of parental power into its wider form. The ideas as to what the family really was were undergoing a change as population began to increase; and on the breach made in the *natural* formation of society, the *institutional* built up a foundation. I cannot do better than quote at length a passage from a letter from Mr. Morgan, the American scholar already alluded to, which appeared in *Nature*, for June 3rd, 1875: "In prosecuting my investigations one of the questions to be determined was whether the systems of consanguinity were artificial or natural. If the former, they are without ethnological value; but if natural systems, showing the relationships which actually existed when they were respectively formed, then they would possess immense value, because they concerned and demonstrated a condition of ancient society of

other Eastern people, no distinction being made between their offspring by a wife or any other woman, and all equally enjoying the right of inheritance, for they considered a child indebted to the father for its existence, and the mother to be little more than a nurse."

which previously we had no definite conception. From each system, in such a case, can be deduced with almost unerring certainty the form of marriage and of the family in which it originated. It was by this course of reasoning that I discovered the necessary antecedent existence of the inter-marriage of brother and sister in a group to account for the existence of the Malayan system of consanguinity. This fact gives us the starting-point in which ancient society commences with the proof that it did so commence. Hence the second member of the sequence above named (Malayan system). This sequence on its face, and these solutions in express terms, treat these systems as natural in every respect."

Now it was the expanding qualities of primitive thought that extended natural groupings into institutions. Nowhere is this more clearly illustrated than by Sir Henry Maine, in his elucidation of the Brehon notions of fosterage. Conceiving Irish society at that time to be only just developing from primitiveness, he points out that the association between institutions arising from true kinship and institutions based on artificial kinship (such as gossipred, a priestly relation, and fosterage, a parental relation) is sometimes so strong, that the emotions which they respectively call forth are practically indistinguishable ("Early Institutions," p. 247).* If we, therefore, divest ourselves of the modern notions of natural family consanguinity, we can well understand how parental power assumed to itself characteristics derived from the elasticity,†

* So in Niebuhr's "Rome," i., p. 172, we are told that the obligation is an essential characteristic of the *gens* (house); the reciprocal exercise of this noble relation could not but excite in the first instance a feeling that led them to regard each other like kindred, and by degrees a belief that they were so. These feelings of mutual devotion between kinsmen constitute the *bright spots* in a dark age, remarks Mr. Grote ("Greece," iii., p. 116).

† We have an instance of this elasticity in Egypt. Perhaps, in its later growth, no more exclusive nation ever existed, owing to the stringency of its castes, which would admit no one among them. Yet if we go back to their infancy we find that the Libyans, adopting the Egyptian religion, had become so much like them by this communion that they were allowed to enter their administrations, and soon grew to be indistinguishable.

because of the meagreness, of primitive thought; and gradually became extended beyond the functions of parental authority over children.

This stage of society presents itself at various successive epochs of history. That it once formed the most advanced—nay, the sole political aggregate of human beings, is a conclusion to be inferred from the foregoing remarks, though this admits of great modification, without the compass of the present paper, according to the views taken as to the incipient progress of primitive thought along the line of improvement. Beginnings are naturally slow compared with the accelerated progress afterwards made, and perhaps a prolonged infancy of social thought may have followed a prolonged infancy of evolutionary progress. At all events, if history does not present a view of the crystallization of family society, it *has* furnished us with retrograde movements to this state. Savage tribes may give us specimens of the former, though there are no decided proofs of this supposition; but, for the latter, customary law can be traced to its origin only by the assumed existence of larger groups, which at a later date dissolved into the independent collection of families forming the cultivated communities of the Teutonic and Hindoo races.* This, at any rate, serves to show the conservatism of human thought when not acted upon by powerful outward influences—such as those, for instance, that again thrust forward the Teutonic families, and made them combine to form the leading empire of civilization and power to be found on the pages of history.

I have thus far endeavoured to show how parental society came to be extended from a simple relationship to wider definitions; and the next step in our line of progress is the position taken up by the father when the circle of human community expanded into its next stage, namely, that of race,† which,

* Maine's "Village Communities," p. 156.

† Difference of race does not necessarily imply difference of language. "What we are accustomed to call race," says Max Muller ("Turanian Letter"), "may date from a period in the history of the world anterior to any division of language."

says Ewald ("Lehre der Bibel von Gott," i., 190), taken in its oldest sense, is only the expansion of the house. The father's influence over his own children, or a household of his own creating, is natural; the extension of this influence, as the representative descendant of a departed ancestor, is institutional. It was the priestly character acquired by the father that became the moving cause of this extended power, by allowing the eldest son to be the only person capable of taking upon himself the growing important duties of priest,* inherent in him as the firstborn of his father.† Round this descendant from their common ancestor, gradually believed in as their hero-god, clustered the various families; and thus we come upon the dawn of clan society, with the parent assuming the position of "patriarch."

The stronghold of parental society, as we have seen, was filial obedience; and the stronghold of patriarchal society was that reverence for departed ancestors we find so generally distributed among mankind. The interval between the formation of family groups in their last and more complete stage of development, and the growth of patriarchal groups, is conceivably so short that it would be difficult to say any dis-

* The father of the house might hold the position of hereditary priest of this often already numerous community; and how long this relation lasted, especially among the old shepherd peoples, is sufficiently shown by the remembrance of the patriarchs of Israel. The sometimes very arduous duties of the sacrifices were in the same way the lot, since the oldest periods, of the eldest sons, as those most nearly bound and ordained (justified in taking the office): this is a primevally old custom of which many traces remained down to the time of Moses and even later.—Ewald, "Lehre der Bibel von Gott," i., 190.

† "Many new sects or voluntary religious fraternities acquired permanent establishment as well as considerable influence. They were generally under the superintendence of hereditary families of priests."—(Grote's "Greece," i., p. 36.) Priesthoods were hereditary among the Jamids and Telliads of Elis ("Herodotus" ix. 33, 34), the Talthybiads of Lacedæmon (viii. 134) and the Telinids of Gela in Sicily (vii. 153). Other writers, says Rawlinson ("Notes to Herodotus," vol. iii., bk. vi., cap. 60, note 7), furnish a very much larger catalogue of priestly families (consult "Hist. de l'Acad. des Inscript.," tome xxiii., p. 51 et seq.).

turbing causes had as yet interfered with the development. Patriarchal society may therefore at one time have universally existed as a distinct epoch in man's progress; but what is perhaps still better proof are the many traces of this social union having afterwards dissolved, with its originating germs still living in the altered form; to which cause, as I have already stated, Sir Henry Maine traces the beginning of much of the customary law existing in all societies. Beyond this, however, types only of each system are to be found, though they never entirely fade away from history, but, on the contrary, always exercise an influence on the subsequent stages, and mainly underlie the principles of all government, individual or collegiate, even at the present time.

During the infancy of mankind, when society was in its nomadic state, and families made regular marches to some fresh pasture as soon as the forage of a certain district was consumed, it is easy to understand that it was almost unnecessary, even if possible, for the patriarch to exercise an important or powerful control over any other but his own immediate household. From the considerations just given on the systems of consanguinity, we can imagine the family to have been an extensive one, and always capable of still greater extension, but there was wanting that spirit of *political* combination which produces the elements of a *nation*, and we only see mankind spreading themselves over the earth in primitive family groups, each individual amenable first and foremost to the parental laws, and the parent, in his turn, recognising some influence from a common ancestor, or his representative, the existing head of the family. In short, they may be conceived to be exactly in that state of living under an absolute despotism when, as Niebuhr says, it is difficult to decide how far a people could feel an interest in the supremacy of its own race over that of another.* It was doubtless this quiescent spirit that kept them from combining against each other too soon; for distinctions of race must very early, and for a long period, have been one of the ele-

* Niebuhr's "Anc. Hist.," vol. ii., p. 98.

ments of primitive society to have produced those great ethnic wars, which, exceeding in fierceness the political wars of later times, have left no slight record of their struggle to modern times.* Thucydides has said of the Scyths that no single nation could match them if they were but united among themselves; and doubtless a similar truth soon became apparent to the struggling races, and was the chief disturbing cause of this period.

But though preceding these wars people were not yet organized into a nation, they undoubtedly formed a series of independent tribes or clans; and, having no territorial influence to bind them together, naturally made a link-hold of their romance of ancestry round which to gather. We have seen this ancestry strengthened by the invigorating influence of religion, the priests of which were descendants of the hero-ancestor. As in the retrospective faith of a Greek, so among mankind generally at this early period the ideas of ancestry and worship coalesced. "Every association of men," to use the words of the Greek historian,† "large or small, in whom there existed a feeling of present union, traced back that union to some common initial progenitor; and that progenitor, again, was either the common god whom they worshipped, or some semi-divine being closely allied to him." Yet, though believing in the divine ancestry of their patriarch, the members of this society never once thought of their chief as a god, never once let go the connection he had with them, and therefore, in a sense a common basis of equality. Even when kings, as we know them, had established themselves, they were never able to assume more than a partial share of divine nature. The Egyptian king, whom Wilkinson supposes to be the earliest, is represented in the sculptures as making an offering to himself,

* Consult Max Muller's Turanian Letter in Bunsen's "Philosophy of Universal History."

† *Vide* Grote's "Greece," vol. i., p. 110.—"In early times princes and afterwards the great aristocratic families traced their pedigrees to heroes and through them to the gods, just as the northern kings trace theirs to Odin."—*Niebuhr*, "Anc. Hist.," ii., p. 169.

his human doing homage to his divine character. This shows how the human and divine natures were then thought to be distinct ; and the breach has never been lessened.*

The view here taken is giving ancestry a wide and powerful influence, and a primitive and primordial origin ; but what else could have been the tie that held a race together, and kept distinguished, after an ethnical division, a branch of one family from another, until other and more important influences appeared on the face of history ? Climatisation had something to do with it, no doubt ; but it could not do all ; for in the progress of history we hear of a section of the Aryans being surrounded by a Semitic people †—race was kept distinguished in all the great Eastern empires, *e. g.*, the satrapies of Persia—and within the reach of modern observation intermixture of race among the tribal Indians has taken place to a large extent, without destroying the nationality. We have only, therefore, to fall back upon the custom (and it was a natural one) of observing the lineage of each individual through the parentage of his family to the progenitor of his race, which tacitly avowed an influence, not always defined, of patriarchal power.

* *Vide* also “Herodotus,” Rawlinson’s Notes, vol. ii., cap. 3.

† “In Western Asia, the cradle of the human race,” says Rawlinson (“Herodotus,” App. Bk. i., Essay xi.), Semitic, Indo-European, and Tâtar or Turanian races, not only divided among themselves this portion of the earth’s surface, but lay confused and interspersed upon it in a most remarkable entanglement.”

“Some combined association of individuals, some clannism seems requisite to the preservation of a language in the midst of a foreign nation. Thus it may be inferred that the Hebrews retained their language during their sojourn in Egypt.”—(Pickering’s “Races of Man,” p. 287.) The system of castes is an evidence of the distinction of nationality on the same territory. “The Egyptian division of castes is very ancient, and certainly shows that the country was conquered by foreigners. The example of India also shows that the castes are the result of conquest, and that they represent different nationalities,”—(Niebuhr’s “Anc. Hist.,” ii., p. 65.) I may also mention, that the detached territories under a Persian satrapy are described by Heeren to be ethnic divisions rather than geographical.—*Vide* also Rawlinson’s “Herodotus,” vol. ii., app. iii., p. 562.

Again, we can trace an incipient influence of this power which can only have been exercised through the tie of ancestry in that community of law whose basis and limit is *race*. It is only in modern times that territorial law has found an existence. The laws of a tribe were generally respected and allowed to remain unaltered of the most tyrannous of conquerors, even as we now find in the Turkish empire. When we can trace the very germ of all laws to their origin as obedience to the commands of a parent chief—*principes erant quasi animatæ leges*—we can perceive motives for ancestry beyond the vanity which dictates similar ideas to modern society.

If the universality of this custom is proof of its primitive origin, and inductive reasoning would teach this view, instances can be multiplied over and over again from the early history of almost every people. It forms the fundamental portion of Biblical history, and was the chief means of obtaining a chronological datum for it. The ancient Greeks, as Niebuhr tells us, had the inclination peculiar to human nature to derive all that exists from individual persons; their whole social existence was saturated with this idea, and the greater part of their mythology and legends is occupied with tracing the lineage of some tribe or house to a hero eponymous. It formed in its integrity the basis of early Roman society;* and afterwards, by the addition of the legal fiction of adoption, was the germ of the later jurisprudence. It is now proved to have extensively existed among the Celtic tribes of primitive Europe. It ran through the whole constitution of the Teutonic invaders of Rome, who, according to Sir Henry Maine, remembered or believed in the direct descent of the families from whom they chose their chiefs, from a common ancestor;†

* Consult Niebuhr's "Hist. of Rome," vol. i. It would be useless to quote passages, there are so many applicable to the question of the genealogical phenomena of primitive history. But note particularly the chapter on Etruscans and Pelasgians.

† "Village Communities," p. 145.

and it still remains a chief feature of modern barbarism,*—nay, of modern civilization. To this universality of opinion as to ancestry the science of language lends yet one more proof in the derivation and application of the word *race*. What we are accustomed to call race (I quote from Max Muller's Turanian letter), and what, as Humboldt has shown, should more properly be called vanity, may date from a period in the history of the world anterior to any division of language; or, on the other hand, its first effects may have been felt long after the confusion of speech had led to the dispersion of mankind. This gets rid of any supposed intimate connection between ethnology and philology; and in a note in the same work I find that race is derived, not from *radix*, as hitherto supposed, but from the old German *reiza*, line, or lineage.

But this ancestral influence was still wanting in one essential to make it all-important. Among nomads, remarks the author just quoted, empires were no sooner founded than they were scattered again like the sand-clouds of the desert; no laws, no songs, no stories outlived the age of their authors. Thus we see that the institutions then existing, primitive and simple as they were, were destitute of solidity; and therefore the first and most important, namely, patriarchal sovereignty, was at this stage not self-commanding like parental power. It must have gained this subsequent element by means of territorial appropriation; and it is now that it will assume more of the aspects of historical monarchical government.‡

* Schoolcraft, "Indian Tribes" ii., p. 49. "The totem of the redskins is a symbol of the name of the progenitor. Its significant importance is derived from the fact that individuals unhesitatingly trace their lineage from it, and families are thus traced were expanded into bands or tribes." Lubbock's "*Primitive Man*," p. 173.

† By territorial appropriation I do not mean to imply that it became a territorial sovereignty. This was distinctly an offshoot of modern feudalism. Consult Sir H. Maine's "Anc. Law," pp. 103—107.

‡ Before dismissing the subject of patriarchal society I would refer to cap. v. of Maine's "Anc. Law." It gives some varied and important information on patriarchal power, and though relating

Patriarchal government, we know, did not of itself immediately produce historical kingdoms.* The notions of ancestry connected with it served, as the mythical pedigrees of Greece did, to unite together special clans or *gentes* rather than the bulk of any community—in fact it produced the *elements* of a nation without the political combining power so materially associated with historical empires. As an instance of how little ancestry had to do originally with territorial occupation, the country called Attica, which during the historical ages formed one social and political aggregate, was originally distributed among various hereditary sects—that is, a multitude of persons, *not necessarily living in the same locality*, but bound together by an hereditary communion, and claiming privileges as well as performing obligations, founded upon the traditional authority of a common ancestor.† Such privileges and obligations are still traceable in much of the customary law of modern nations; and Sir Henry Maine, without any reference to the instance of Attica, considers the most plausible account that can be given of them is that they were at the outset obligations of kinship sanctioned by patriarchal authority.‡ This is proof that patriarchal society may not only continue to exist without necessarily forming itself into a nation, but that it may, after a long period of non-pro-

more particularly to Roman law, helps to obtain an enlarged view of this state of primitive man. See "Village Communities," pp. 111, 156.

* Professor Jowett, in his Introduction to Plato's Laws, p. lxiii., remarks "that the chief object of Plato in tracing the origin of society is to show the point at which regular government superseded the patriarchal authority, and laws common to many families took the place of the old customs. The laws were systematized by legislators, and new forms of government began to spring up." The ideality of Plato's mind would suggest much that his restriction to Grecian history might otherwise prevent, but it would not suggest enough. "The history of the world," says Max Müller, in his essay on Comparative Mythology, "has laid open new avenues of thought, and it has enriched our language with a word which never passed the lips of Socrates, or Plato, or Aristotle—mankind."

† *Vide* Grote's "Greece," vol. i., p. 264.

‡ "Village Communities," p. 111.

gressive existence, suddenly obtain the desire and the intellectuality to become a territorial empire.

According to the doctrine of Montesquieu, republicanism would be the natural development from paternal government, the sons obtaining together the power wielded by the father. But history does not thoroughly coincide with this view,* for, at its very dawn, government by a single person universally bursts upon our view; and though in many cases other influences than patriarchal power may have been at work, we have evidence that the law of primogeniture is an heirloom from these times, and enabled the descendant, either actual or representatives of a patriarchal governor to establish a government. From this point of view the influence of ancestry and the priesthood of the father may be considered as modifications of a regular development of government, though they work in so well with man's natural instincts, and begin so early in his history,† that we can hardly distinguish them from a law of nature. The Teutonic monarchies—perhaps the most perfect illustration of a pure development from patriarchal society—unite all the principles of democracy with most of the sentiments of ancestral faith, and invariably does the term applied to the office of the personal ruler, though in many cases admitting a subsequent signification, come from a root originally meaning "father." One thing is certain, that patriarchal power, with all its component, or perhaps tributary elements of ancestry and sacerdotalism, has never faded from the face of history, from the remotest ages of which we can glean records down to the

* That is to say as a general rule, and among the more powerful empires. The tale commonly believed by the Greeks as to the formation of the confederacy of twelve cities into the Ionia of historic times is based upon the asserted rights and co-existent sovereignty of the twelve sons of Codrus,—(*Vide* Rawlinson's "Herodotus," iii., App. bk. v., Essay 2.) The Suliots, again, mentioned by Niebuhr ("Rome," i., p. 265), were actual families descended from a common stock, each under its captain, who was its judge and leader; the captains collectively made up a senate.

† Vico dwells upon the religious and poetical susceptibilities as the first to develop themselves in the human mind.

present time ; and in this power can be distinctly seen the germs of monarchical government.

The connection which monarchical government has with the social elements I have treated of, and how the important element of chieftainship has been left out of consideration by writers on the origin of society, I cannot further illustrate now ; but I may be permitted to express a hope that I have sufficiently shown the real interest and worth of the subject, to be enabled at a future time to lay before the Society some additional researches which I have partly made. It is a subject worthy of history ; worthy of the greatest study and reflection ; and worthy, I hope, of showing what the great Bunsen has taught in his immortal words—“the desire to fix in that course called the universal history of mankind some landmarks pointing out the progress of our race.”

JOHN FOXE THE MARTYROLOGIST AND HIS FAMILY.

BY WILLIAM WINTERS,
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FROM the commencement of the reign of Queen Elizabeth down to the middle of the last century, several members of the Foxe family, descendants of the great martyrologist, resided in the parish of Waltham Holy Cross.* And it is asserted by several local writers that the justly celebrated John Foxe himself resided in this ancient town, where he uninterruptedly pursued his literary labours during the early part of the latter half of the sixteenth century. Tradition even points to the house † in "Sun Street," then called "East Street" in which he compiled the "Book of Martyrs." Some have supposed that John Foxe visited the house of Mr. Cressey in the Romeland with Stephen Gardner and Henry the Eighth to consult about the king's divorce from Catherine of Arragon, but that is a mistake which the writer has pleasure in correcting. It was Dr. Edward Fox (afterwards Bishop of Hereford) that figured in that scene, and not the martyrologist.

We find that John Foxe married Agnes Randall ‡ February 3rd, 1547, and the year following both he and his friend John Bale were hospitably entertained at the residence of the Duchess of Richmond, Monjoy House, Knightrider Street,

* Waltham Holy Cross is the correct name of the town, although it is more frequently called Waltham Abbey.

† In the summer of 1871 some necessary improvements were being made in this house when a fine Gothic chimney-piece was discovered. It was in an excellent state of preservation, consisting of Reigate stone, six feet in height and five feet in width, carved with various floral devices, and coloured with vermilion, green, and gold. Near the spring of the arch on the left shield were the letters "I.V.," and on the surface of the arch above the initial letters "F." and "F.S."

‡ They were married at Charlecote. Persons of the name of Randall possessed property at Waltham in the seventeenth century.

when Foxe's first work was printed by Hugh Singleton. Two years later John Foxe was ordained deacon at St. Paul's, by Bishop Ridley. In 1551 he published his "*Christus Triumphans Comædia Apocalyptica*."* At this time he lived under the Duchess of Suffolk's roof in the Barbican. Owing to the Marian persecution in 1554 he fled with his wife to Flanders, and thence to Strasbourg, where he published the first part of his Ecclesiastical History. In March of the next year he was in England, and took up his freedom, as we gather from Mr. Arber's newly published "Transcript of the Stationers' Register" (vol. i., p. 33):—"Item, Recuyd the Vth of March [1555] of John foxe in Recompence of his brakefaste at his makynge fre iijs. iiijd." According to Foxe's biographer there appears to be a slight error respecting the dates which may not easily be reconciled; Foxe is said to have been abroad in 1554 and 1555, and yet we find him at London in the early part of 1555. He was at Frankfort the same year, whence he removed to Basle in November; he may possibly have returned to the Continent directly after taking his freedom. He, however, remained in Basle till late in the year 1559, when he returned to England with his wife and two children, a girl and boy (Samuel), all in great distress. They were at once admitted into the Duke of Norfolk's mansion, Christ Church, Aldgate. The duke was his patron and benefactor. Early in 1560 Foxe was ordained priest at St. Paul's, London, but refused to wear clerical habits, consequently he was enabled to preach in his own order quietly to the common people, who heard him gladly; by this means also he pursued without much molestation his literary labours, collecting materials from registers, &c., for his Martyrology.† The same year we find him

* A translation was made by John Day, son of the great printer, and published 1579.

† In the "Stationers' Register" the following is recorded:—"Rychard Adams for Prynting the Register of all them that ware burned without lycense was fyned at Vs. . . . Vs. The editor notes that this compendious register in metre of the Marian martyrs was written by Thomas Brice, and was doubtless of considerable use

preaching at Norwich, where his family, it is said, remained three years; he occasionally resorted to the Duke of Norfolk's mansion with the view of carrying on his literary work. His son Samuel remarks, "From that house he travelled weekly every Monday to the printing-house of John Day. In that my father's house many days and years and infinite sums of money were spent to accomplish and consummate his English monuments, and many other excellent works in English and Latin." In 1562 John Foxe wrote to Archbishop Parker seemingly to inquire about some materials for his forthcoming work on the History of the Church, and early in the next year, 1563, the first English edition of his great work was published. Ames gives "1562" as the date of the first edition of "Acts and Monuments," but "queries 1563."* The British Museum copy of this edition is imperfect, wanting the last leaf, which is supplied by a fac-simile (folio, 1563). The title of this work reads thus:—"Actes and Monuments of these latter and perillous dayes, touching matters of the Church wherein ar comprehended and described the great persecutions, & horrible troubles, that haue bene wrought and practised by the Romishe Prelates, especialle in this Realme of England and Scotlande, from the yeare of our Lorde a thousande, vnto the tyme nowe present. Gathered and collected according to the true, copies and wrytinges certificatorie, as wel of the parties themselves that suffered, as also out of the Bishops' Registers which wer the doers thereof, by John Foxe. Imprinted at London by John Day, dwellyng over Aldersgate. Cum Priuilegio Regis maiestatis." Ames observes that whether John Day "was secretly or openly supported in the cost and trouble it must have occasioned, does not appear upon record." The department of *art* alone must have been very important. The cuts are numerous, and the subjects are generally drawn, composed, and engraved with very considerable skill. They

to John Foxe in the preparation of the first English edition of his 'Acts and Monuments.'"—1558-9.

* Ames, Typog. Antiq., vol. iv., p. 82.

have a freedom and force worthy of some of the more celebrated foreign artists, by whom in all probability they were executed. "His 'salvo' at the end of his Latin preface is a shield, which he judiciously uses to avert or blunt the shafts of those whose hostility such a publication must have prepared him to encounter. The compiler wanted not a host of angry, and even in many instances successful antagonists, among whom Stapleton, no mean scholar, led the van. Yet Foxe is now read, and Stapleton, even by his own party, often neglected." Strype remarks that "great was the expectation of the book here in England before it came abroad. The Papists scurrilously called it 'Fuxe's Golden Legend.' When it first appeared there was extraordinary fretting and fuming at it through all quarters of England, and even to Louvaine." It was well received by many as a true record of the past, and, as a modern writer observes, the common people "loved the church of their forefathers as they saw it restored by the queen, because of the power which Foxe had given them of estimating its superior pretensions to their favour." In the same year, 1563, issued from the press Foxe's learned work on the doctrine of the "Eucharist," dedicated to John Harding of Brazenose College. He also made an appeal to the public on behalf of the poor sufferers during the fatal plague which prevailed in London in the summer of the same year, when no fewer than 21,530 persons died in the city of London alone.

The Queen, to show her appreciation of the "Book of Martyrs," presented Foxe with the canonry of Shipton, in Salisbury Cathedral. From the Register of that cathedral we gather that Foxe was not present at the synods held there in 1564 and 1565, "nor," says a writer, "probably at the ensuing ones. He was not present at Bishop Jewell's visitation in June, 1568."* In 1564 and onward letters from different persons were addressed "to my goode friende Mr. Foxe at Mr. Dayes, ouer Aldersgate." At this period he appears to have been in

* "Church Historians," Seeley, vol. i., 1870. Also, "Book of Compositions," Pub. Rec. Off.

search of information for the second edition of his Martyrology, and we have strong reason for believing that he made a tour to Waltham Abbey (in 1565), for in the Register of the parish we find an entry which relates to "John Foxe" and his two children, viz.,—

"Baptised Rafe and Mary foxe, the sonne and dowter of John foxe, 29th Jennary, Ano. Do. 1565."

One year prior to this date Foxe's friend, Sir Thomas Heneage, Knt., came to reside at Copt Hall,* in the parish of Waltham, and here it was, we presume, that John Foxe visited Lady Ann Heneage during her illness, as recorded by the biographer of Foxe in the second volume of the "Acts and Monuments," 1641: "The Lady Ann Hennage, who lying sick of a violent Feaver, when the disease had so farre increased that the Physitians had pronounced it deadly, Master Fox was called to be present at her ending, whose counsell and fidelity she had often made use of in matters

* Queen Elizabeth, on the 3rd of August, 1564, granted, by letters patent, Copt Hall, in the parish of Waltham Abbey, to Sir Thomas Heneage and Anne his wife, to be held of her the Duchy of Lancaster by the service of a knight's fee. Sir Thomas Heneage, the son of Robert Heneage, Esq., was Knight of the Shire for the county of Lincoln in the Parliament held at Westminster in the 8th of Queen Elizabeth. He was also captain of her guard, treasurer of her chamber, vice-chamberlain of her household, chancellor of the Duchy of Lancaster, and one of her privy council. He was owner of Copt Hall—at that time the noblest house in Essex—and Brightlingsea, in the same county, and married Anne, daughter of Sir Nicholas Poyntz, of Acton Poyntz, co. Gloucester, by whom he had issue Elizabeth, who became the wife of Sir Moyle Finch. Lady Anne Heneage died November 30th, 1594, and Sir Thomas, her husband, died 17th October, 1595, owning the Copt Hall estate, then valued at £24 6s. 8d. per annum. This estate passed to his daughter Elizabeth, wife of Sir Moyle Finch; who by letters patent bearing date July 8, 1623, was in 1628 created Viscountess of Maidstone and Countess of Winchester. "The purchase of this peerage raised at the time much talk. The price is said to have been the lady's fine seat at Copt Hall as a bribe to Lord Treasurer Craufield." Lionel Craufield possessed the estate in 1622, and died August 6, 1645.

appertaining to her soules health. After he had performed what he came for, in reading prayers, and comforting the sick woman, with such perswasions as seemed good to him, "Well have you done (said he), and according to your duty, to prepare yourself for all events, but know this from me, that of this sickness you shall not dye. . . . Among those that stood by was Sir Moxle Finch a well known and honourable knight, the ladies sonne in law. . . . The lady recovered; nor can I in this tell an untruth, there being many yet living, who could reprove me."

There appears to have been only one Christian martyr recorded by Foxe as coming from Waltham Abbey, and he was a smith of the age of twenty-four years. He was first charged with heresy by a justice of the peace in Essex, then sent to Colchester Castle, thence to London, and was burnt at Stratford, in the county of Essex, with twelve others, in June, 1556. His name, trade, and place of abode are recorded in the first edition of the "Acts and Monuments," thus:—"William Halliwell was a Smith of the Parische of Waltham Holle crosse, and of the age of 24 yeares or thereabouts." The name of "Halliwell" is variously spelt; it occurs twice in the old parish registers of Waltham, but is more frequently to be met with in the Parish Registers of Cheshunt, Herts, (an adjoining parish to Waltham).

In 1571 a second edition of Foxe's Acts and Monuments appeared, "contayning the Actes and Monumentes of thinges passed in every Kynges time in this realm," &c. In the "Stationers' Register" is an entry under date 1570, which is believed to refer to the death of one of the family: "Recevyd of Mistres foxe for the herse cloth—xij^d." Mr. Arber writes, "May this be taken as evidence of John Foxe's death?" Certainly not the martyrologist's, for there is an abundant proof that he died in 1587. In 1570-1 Foxe made his home in "Grubb Street, London." On the 2nd of June, 1572, he attended his patron, the Duke of Norfolk, to the place of execution, accompanied by Sir Henry Lee and Dr. Nowell, Dean of St. Paul's. The duke so much

respected Foxe that he granted him an annuity of £20. The next year the works of Barnes, Tyndale, and Frith, collected and edited by Foxe, were issued from the press. In 1576 the third edition of the "Book of Martyrs" appeared, consisting of 2,008 folios. We are informed that the martyrologist still continued to collect fresh materials for a new and improved edition of his work, as well as attend to the duties of the ministry. About this time he published an excellent treatise on "Justification," with an address to Osorius, who died in 1580. In the year 1586 his health began to decline, and this is not surprising considering his many arduous labours. An intimation of the fact is recorded by his wife to her son Samuel, who had lately returned home from a tour on the Continent.

"Samuell, we have us comended unto you, desyringe the Lorde Jesus to blesse youe. Conserninge the Boucke which you wryghte for, the Boucke of Martyrs, your father wolde have youe to wryte to the fellowe of Salsberye to knowe yf he wyll staye tell the Boucke comme forthe, which is halfe dun all redye, and wyl be better a gret dell; and for the cronycle, yt wyll not be longe before you comme hyther yourselfe; for I promyse youe I have no money, for I have borred x℥℥ all redye; and for the boucke which youe wold haue of youre father's, I cannot fynde yt in his stoudye. As for youre father he is so weicke yt he cannot gooe into his stoudye, therfore I praye youe to praye for him; we wer with youre Aunte Randall for the letter of attorneye, and she wyll not doo yt withowte her Brother Harryes counsayle, and he is not at home as yet. But she hath sent youe a Letter. No more to youe. But the Lorde Jesus blesse youe and us all. Amen. Your lovinge mother.

"AGGNES FOXE."

John Foxe adds a postscript to this letter:—

"Samuell I marvell that you were so unwyse to blabbe out anything of ye bok of ye Apocalypse to Doct Humfrey. Such is my weaknes now, and hath been thys moneth, y^t I can nether eate, sleape, nor wryte, nor goo up yett to my

study, whereby ye boke standeth yett att a stay, in prynting. The Lord knoweth how I shall goo forward eyther for fynyshyng ye boke or dedication thereof. Whereof I pray you to make no words to any person. Pray to ye L. Jesus for me. He graunt you hys blessyng."* It may have been about that period that John Foxe, as we are told in his memoir, spoke severely to his son respecting the "foreign and somewhat fantastical garb" in which he appeared on his arrival at home from his long absence abroad. His father addressed him thus:—"Who are you?" "Sir, I am your son, Samuel." "Oh, my son!" said the father, "what enemy of thine hath taught thee so much vanity?"

The time had now arrived for John Foxe to quit this scene of mortal suffering; but none of his sons appear to have been made acquainted with the solemn fact. And it was Foxe's intention that they should not be let into this secret, that a sight of his physical sufferings should not augment their sorrows. It seems that a short time before his death he desired Samuel, his son, to go a three days' journey about some important matter, and his sons Simeon and Robert he requested should not be sent for. Samuel records in his diary that "in Easter holidays my father died," viz., April 18th, 1587, at his residence in London. Good old Fuller notes that Foxe "was not nipt in the bud, nor blasted in the blossom, nor blown down when green, nor gathered when ripe; but even fell of his own accord, when altogether withered. As for the time of his death, take it from his own epitaph on his monument, which for the beauty thereof bears better proportion to the outward meanness than to the inward merit of his person, there entombed in St. Giles's Church, Cripplegate.

* Harl. MSS., 416, f. 146.

“CHRISTO S. S.

JOHANNI FOXO ECCLESİÆ ANGLICANÆ MARTYROLOGO
FIDELISSIMO, ANTIQUITATIS HISTORICÆ INDAGATORI
SAGACISSIMO, EVANGELICÆ VERITATIS PROPUGNATORI
ACERRIMO, THAUMATURGO ADMIRABILI; QUI MARTYRES
MARIANOS, TANQUAM PHENICES, EX CINERIBUS
REDIVIVOS PRÆSTITIT. PATRI SUO, OMNI PIETATIS
OFFICIO IMPRIMIS COLENDO, SAMUEL FOXUS, ILLIUS
PRIMOGENITUS, HOC MONUMENTUM POSUIT, NON SINE
LACHRYMIS.

OBIIT DIE 18 MENS. APRIL. AN. DOM. 1587.

JAM SEPTUAGENARIUS.

VITA VITÆ MORTALIS EST, SPES VITÆ IMMORTALIS.”

Fuller has epitomized the life of Foxe in a few quaint and pithy lines, which are as follow :—

“Rare Fox (well furr’d with patience) lived a life
In ’s youthful age devoted unto strife;
For the blind Papists of those frantic times
Esteem’d his virtues as his greatest crimes.
The hot pursuit of their full crying hounds
Forced him to fly beyond the lawless bounds
Of their hot-scented malice: though their skill
Was great in hunting, yet our Fox was still
Too crafty for them; though they ranged about
From place to place, they could not find him out:
And when they saw their plots could not prevail
To bless their noses with his whisking tail,
They howl’d out curses, but could not obtain;
Their prey being fled, their curses proved in vain.
From whence I think this proverb came at first,—
‘Most thrives the Fox that most of all is curst.’” *

John Foxe’s beloved wife Agnes long survived him,† and it is believed that she was buried in the same church, from the fact that the Cripplegate Church Registers record the burial of “Mother Fox,” April 22nd, 1605.

* Fuller’s “Abel Redivivus,” vol. ii., p. 87.

† In 1592 Mrs. Foxe was living in Grub Street. See Lansd. MSS., 819.

It is impossible to estimate the advantage which has been realized by the Christian Church from the writings of John Foxe, especially from his "Book of Martyrs," which for its popularity and usefulness may be placed side by side with the universally accepted "Pilgrim's Progress." But no book has met with a more fierce and merciless race of critics than the "Acts and Monuments" of the Church. The persecuting Harpsfield under the name of Alan Cope, and Stapleton were among the martyrologist's greatest antagonists. And the same spirit manifests itself in the writings of such men as Parsons, Collier, Milner, Churton, Maitland, Tyler, Tytler, and a host of others. While Foxe found himself surrounded by a host of enemies, so, on the contrary, he enjoyed the company of many friends who assisted him in his work. The learned Bullinger who read the Latin edition of 1559, says in a letter to Foxe,—“I am devotedly attached to you on account of your piety and learning, but chiefly for your Book of Martyrs of England.” Strype remarks that Foxe's Martyrology was of such value to the Christian readers and to the service of our religion reformed, that it was in the days of Elizabeth enjoined to be set up in some convenient place in all the parish churches together with the Bible, and Bishop Jewel's defence of the Church of England.* During the tyrannical government of Laud, Archbishop of Canterbury, the "Book of Martyrs" was removed from the churches. In the churchwardens' accounts of the parish of Waltham, under date 1634-5, we find that this church possessed a copy of Foxe's work in three volumes folio;† but after that date no mention is made of the Book of Martyrs, which proves the truth of Laud's severity. The entry in the above accounts runs thus:—"1634-5. Certain ornaments and other necessities left in the church w^t Thomas Dickerson church Clarke as followeth. One sirplus, one ell of towen cloath to keep it in. One bible, three books of Marties, one booke of Mr. Juewle's workes," &c. Before this time "by the seventh injunction of

* Annals, Vol. III., p. 503.

† This edition was published 1632. *Athenæ Oxon*, vol. i. 531.

Edward VI. each parish was ordered to purchase the Paraphrase of Erasmus on the Gospels,* to be set in a convenient place in the church." In the Register of Waltham we find "Item, paid for half the book called Paraphrase, 5s."

On May 6th, 33 Hen. VIII., a new impression of the Bible was finished ; and the king ordered by proclamation that all curates and parishioners should set up in every parish church a Bible of the greater volume, that the people might read therein before All Hallowtide, under the penalty of forfeiting forty shillings a month after that time. Burnet observes "that Bishop Bonner, seeing the king wished it, set up six great Bibles in St. Paul's, and upon each of the pillars to which they were chained was placed an exhortation to the people to conduct themselves with all devotion, humility, and quietness, but not to draw multitudes about them, nor to make exposition of 'what they read, nor to read aloud, nor to make noise in time of service." The people, it seems, came to hear the Scriptures read, and such as could read, and had clear voices, came frequently with a great number of persons who were anxious to listen. In the Cott. MSS., British Museum, is a proclamation in the king's own hand against persons calling each other Papist, and heretic, and also against reading the Bible in English aloud in churches during mass, but allowing the congregation to read to themselves.† The "Acts and Monuments" appear to have given even greater offence to the Papists than the Bible. Oldmixon the historian writes, "No book ever gave such a mortal wound to Popery as this Book of Martyrs," and we believe it. The faithfulness of Foxe is attested by Archbishop Parker in his writings of 1571. This prelate caused the Bible and the Book of Martyrs to be kept in halls and dining-rooms of bishops and other dignitaries. There are many testimonies which give weight and worth to the book, such as those found in the writings of Whitgift, Grindall, Camden, Fuller, Burnet, Strype, Soames, Smythe,

* At the dissolution of the Abbey of Waltham, *temp.* Hen. VIII., this church possessed "two Gospels in the Saxon tongue."

† See Ogbourn's Hist. Essex, 191.

Jenkyns, Waldgrave, and others. This last-mentioned writer observes that "The convocation of the English clergy did wisely when, in the days of Elizabeth, they enacted that every parish church should be furnished with a copy of Foxe's 'Book of Martyrs.' For—chained, perchance,* lest it should be lost, but unclasped that all who would might read—that chronicle kept well in the people's memory the character of the apostasy, from which they had been rescued at the Reformation.

The authorship of the memoir of John Foxe prefixed to the volume of the "Acts and Monuments," in 1641, is a subject of continued dispute. Some have attributed it to the pen of the martyrologist's eldest son Samuel, and this is probably correct, as he knew most about him. Dr. Maitland and others have opposed this idea, chiefly on the ground that Samuel Foxe died in 1629-30, and that the memoir was not published till 1641. Yet this does not affect the possibility of its being written by Samuel, for the author tells us that "he had written it thirty years previously," which would bring it down to 1610-11. And it was written for the writer's own satisfaction, without any view to its being published. Moreover, if we compare the Latin copy in Lansd. MSS. 388 with the writings of Samuel in Lansd. MSS. 819 and 679, we find the handwriting very similar, but in no way agreeing with that of Samuel's brother Simeon. The memoir having been written for private reading will in some measure account for the writer's inattention to dates and other necessary matter.

In the Harleian collection of manuscripts are many original letters written by several members of the Foxe family, which are very interesting; but want of space forbids the insertion of the major part of them in these pages; besides, many of them have already appeared in print. See "Church Historians of England" (Seeley).

* In the church of Waltham Abbey the marks of the chain are still to be seen on the pillar near the South entrance, where the books were fastened for people to read. The Book of Martyrs was then called "*Monumenta Martyrum*."

DR. SAMUEL FOXE.

Dr. Samuel Foxe, the eldest son of the martyrologist, bore a very conspicuous part in the parish of Waltham Abbey (or Holy Cross), where he resided during the greater portion of his life. He was born at Norwich on the last night of the year 1560; and at the age of twenty-nine he married Anne Leveson, of Eastwell, Kent.

In 1587, the same year that his father died, he was admitted into the service of Sir Thomas Heneage, of Copt Hall,* after which he went abroad. Sir Thomas gave the Palace of Havering-atte-Bower into his custody, a place renowned in history as a royal hunting seat. This palace Sir Thomas received by grant from Queen Elizabeth; and in this splendid mansion was born Thomas Foxe, the physician, February 14, 1591. Sir Thomas Heneage the same year presented Samuel Foxe with the Clerkship of Epping, an old market town near Waltham Abbey. Samuel Foxe still had the charge of Havering Palace, as we find from a letter addressed to him from Sir Thomas Heneage respecting the Queen's visit to that royal seat, which took place on June 12, 1594:—

"ffoxe, I mervayle much that I haue not hearde any thinge from you synce I sente you^u wth my lre to Mr. Channcellors of the Exchequr, from whom, what order y^o have receyved, or whether any or none, towching Haueringe howse, as yett I knowe not nowe for that the Queene purposeth to be there on the xij day of the next moneth. And that order wolde be giuen that the howse, the garden, the walkes, and growndes there, should bee in good sorte and well trymmed vp. I send this expresse message to will yo to come psentlie vnto mee that I may vnderstand the defecte and give order for that busynesse whereof ther wolde be espetiall care taken. At the Courte the xxij of Maye, 1594.

"Yo^r louinge

"MR. T. HENEAGE."

* The Princess Mary (afterwards Queen) resided for some time at Copt Hall. She writes to King Edward VI. from her "poore howse at Copped Hall, 19th August, 1551."

In this letter are noted the names of the places where her Majesty visited in her journey to Havering, viz.,—

“1594 Tewsdaye y^e 28th of Maye from Greenwich to Lambeth there all night.

Wednesday the 29 from Lambeth to Wimbleton ther Thursday & Friday.

Saterday y^e 1 of June from Wimb. to Osterley ther Sunday & Moonday.

Tewsdaye the forth from Osterly to Hendon ther Wednesday & Thursday.

Friday the 7th from Hendon to Barnet.

Saturday the 8th from Barnet to Theobalds ther Sunday & Moonday.

Tewsday the 11th from Theobalds to Lugsborow.

Wednesdaye the twelfthe to Havering ther Thurs: Frid: Sat: Sunday.

Moonday the 17th from Hauering to Claybery, M^{rs}. Warrens, ther Tewsday.

Wednesday the 19th from Claybery to Tottenham or Hakney ther Thursday.

Saterday to Greenwich.”—Lansd. MSS. 819, fol. 24.

About this time Samuel Foxe settled down in his quiet and picturesque homestead at Warlies, Waltham Abbey.

In this ancient manse was born John Foxe, son of Samuel (second of that name), also Robert Foxe, afterwards known as a captain in the navy. Jane and Sarah Foxe were born there. This youngest daughter died June 23, and was buried on the 26th of the same month in “Waltham Church, by my pue dore.”

In the Lansd. MSS. 819, fol. 8, is a letter concerning Foxe's estates at Tiverton, written by Rychard Duck (or Duke), dated December 23, 1592 and addressed “To his loveinge frynd Mr. Samvell fox att Copthale or elsewhear.” In the will of Dr. Samuel Foxe dated at Warlies, June 29, 1622, he bequeaths this estate to his beloved wife Anne, and after her death to his eldest son Thomas and his heirs. She only survived her husband about a year and four months, and was

buried in Waltham Church. To Robert was given the sum of £300, also his father's best horse, armour, and wearing apparel. To Thomas, the eldest son, being probably more of a literary character than Robert, was given the library of books and writings of his father. No doubt, as Samuel was the eldest son of John Foxe, he possessed most of his father's MSS., which have now found a lodgment in the national repository of learned curiosities, the British Museum.*

Strype writes, "I have been conversant in what remaineth of the papers of John Fox, communicated to me by the favour of my good friend William Willys of Hackney, Esq., among which there is a manuscript life of Cranmer; † annals writ by an Augustine monk of Canterbury, from the year 1532 to 1538; many letters of Fox, and other learned men to him, relating to the affairs or afflictions of the Church in those times; and abundance more, too long here to be inserted. I have had also the use of numerous MSS. of ecclesiastical affairs sometime belonging to the famous martyrologist John Fox, and that by the kindness of a gentleman that was executor to the said Fox's last descendant deceased."

By "Foxe's last descendant," Strype meant Sir Thomas Fox Willys, Bart., who died a lunatic in 1701, and by the latter's "executor," his cousin William Willys, named in the preface of the Memorial of Cranmer. The mother of Sir Thomas Fox Willys was Alice, daughter and heiress of Thomas Foxe, of Waltham Abbey.‡

In 1628 Samuel Foxe writes from his "Cell at Warlies," § to his brother Simeon Foxe, a physician in London, respecting the marriage portion of his son Thomas; in January of 1629-30 he died, at a good age; and his remains were buried in the Abbey Church of Waltham on the 16th of the same month. To this church he bequeathed the sum of £5. Mr. William Lovel resided at Warlies after the death of

* Harl. MSS., 416 to 426.

† See Camden Society Publications.

‡ See "Narratives of the Reformers," Camden Society.

§ In this letter he mentions his cousin Isaac Foxe of Lincolnshire.

Samuel Foxe. In the Register there is an entry of the death of this gentleman,—“1656. Mr. Lovel, Squire, died at Worleys, April 28.” After the Foxe family had removed from Warlies, the estate was, early in the last century, occupied by Richard Morgan, and in 1760 George Carter resided there. His wife Julia was a relative of the Willys family. This lady erected a handsome monument of marble in Waltham Church to the memory of her father and mother; the inscription runs thus:—“To the memory of James Spillman, Esq., F.R.S., many years Director of the Bank of England, and a Commissioner of Greenwich Hospital, died 21 November, 1763; and of Hester his wife, one of the sisters and co-heiresses of Sir William Willys, of Fen Ditton, in the county of Cambridge, who departed this life August 3rd, 1761. This Monument was erected by their only child Julia, wife of George Carter, of Warlies, in this county.” Late in the last century the estate of Warlies was held by the daughter of Mr. George Carter, from whom it passed into the possession of William Banbury, who died June 24th, 1850, aged eighty-three. Sir Thomas Fowell Buxton, Bart., is the present owner of the estate. This beautiful mansion of Warlies stands on low ground surrounded by an extensive park (250 acres), well studded with fine old oak and elm trees. Its situation is in the hamlet of Upshire, about two miles E. by N. of the town of Waltham Abbey.

An Account of Samuel Fox, extracted from his Diary.*

“Anno Dñi 1560 in ye third yeare of ye reigne of Q. Elizabeth, the last daye of the years being Newe years eue in ye night I was born at Norwiche wher I remained Anno 1561, & 62, untill I was three years old. From thennce I was brought up to London; my father then dwelling at the Dukes House wher I went to schole first wth Mr. Ruddoke then wth one Gisborn & lastly wth Mr. Heron & Muncaster.† In my infancy I can remember the insurrection in the North, the death of ye Duke of Norfolk, the beginning of ye wars in

* Lansd. MSS., 679.

† He was sent to Merchant Taylors' School. See Wilson's history of that school.

ye lowe country ; the batayle fought by sea between the great Turk & ye Venetians.

“Being 14 years of age anno 1574 I was sent to Oxford wher I was elected Demi in Magdalen College & so remained 7 years. Anno 1576 I went to France. Anno 1581 I was chosen probationer in Magdalen College and being repelled by a contrary faction was restored by the Queene’s ’ters mandatory. Anno 1583 on Ester-daye I went out of England into Germany where I studied at Lipsia a year.* Anno 1584 I went to Basilca in Helvetia & after a half years abroad ther passed over the Alps into Italy wher I remayned a year & a half & so returning home through Fraunce I came into England in ye end of June 1586. At my return from beyond ye seas my father gave me the lease of Shipton-under-Wichwood. Anno 1587 in Ester holydayes my father died, as may more exactly appeare by his monument erected by me near his buriing place in a wall of ye chancell at St. Giles Creplegate. The same yeare I tooke degree of Master of Arts at Oxford. The same yeare I was entertayned into Sir Thomas Henneage service being then made vicechamberlain. Anno 1588 I was sent over to Hambrough. Anno 1589 I was married to Ann Luson at Estwell in Kent, in Sir Moyle Finches house being the 15 of August when were only present Sir Moyle Finch & his Lady my Lady Hennage, Mr. Ashworth & his wife, & Mr. Stubbs ye Minister. Anno 1590 ye last daye of ye moneth & year being newe years eaeue & the same day 30 years wereon myself was borne, was born into this world my leenest daughter Ann at Shipton in the parlor chamber in ye personage house, between two & thre of the clock in ye morning whos godfather was Sr Moile Finch, godmothers, my Lady Henneage & Mrs. Barrett. Hauering house.

“Anno 1590 I had my dawnter, I had also geuen me the lease of St. Jeames in Cornwell, of Kings College in Cambridge† I surrendred my place in Magdalen Coll: in Oxford for w^{ch} I had 73lb & a promise of the manor of Caukett hall in Loueland w^{ch} I surrendred to Kemp

* A fuller account of this journey is given by Foxe in another part of the MS.

† “A note of the particulers of certen parcells of land, parcell of the Mannor and Priori of St. James, neare the cittie of Exon, to be procured from Mr. Fox, Mr. Vichamberlyn’s man, whose intrest is for 17 yeres, to begyne at Michelmasse next.”—Lansd. MSS., 819, fol. 72.

the tenant for 125^{lb}.—Burgess of ye parliam. the keeping of Clavering house.

“Anno 1591 was geuen me of my master the receauership of the highe Peake in Darbyshire w^{ch} I sold Wlm Crowshlowe for 90^{lb}.

“I bought beacon house of Richard Copland for 50^{lb}. My Lady procured me ye clearkship of ye mercat at Epping. I had the lease geuen me of Shepley & Burton in Northumberland.

“Anno 1592 I went twice into Lankashire about the manor of Halton & throughe Westmerland & comberland all along the middle merches to Barwick & into Scotland.”

Continuation of Samuel Foxe's Travels (Lansd. MSS. 679).

“Anno 1583 mense April di Primo Pasthanis stilo veteri. I set out of Lee in England to pass for Germany wher entring into the river Albis or Elu I arrived to Hamburg a cytie of ye Land of Saxony from whence I trayvayled through LVNEBVRG, BROUNSWIK, ASSCANIA, HALUERSTAT, HALAND so to LIPSIK wher I remayned almost a year visitinge Juliberg and Torga, ye year following 84. In Marche I left Misnia and Saxnia and passing through Thuringia, Hassia ye Palatinat of Rhein and Elsatia into Helueta I saw thes places. From Lipsik to Lytsen, Wissenfelt, Merspurge, Namburg, Friburg and passing the river Sala we cam to Erford a great and ancient cyty sumtim an vniuersiti and so to Gotha w^{ch} was beseaged and sacked of the Princes of Germany. Isenach wher Lutherus was in exile calinge it his Pathnius, Sumsea, Berga, Hirstat, Anle, Elsefele, Rumrode, Groningburg, Fridenberg, Francfort on ye Mayn wher resting vntil the mart was out I encountred wth Mr. Parnis, Thornton, Osborn and others, merchants of England wth Mr. Anthony Mely passing for fraunc wth Gent and Chamberlayn cominge out of Italy and the graue of Falestein after to Langa, Arheton, Tornsteat, Bersheam, Ladeburg wher passing the river Neccarus we sawe Spire and parted vp the river Rheims to Edenlie, Mylburg. Stollhof newly reedified Lenctenan, Bisshofser, Strasburg passing ouer the longe wodden bridge vieweing the steeple and churches wth the diall, from thenc to Margelsheim and Brisak out the Rhein and Friburg in Brisgaw we cam to Basil wher I bourded wth Jacob Grineus, found ther John Slead and after Haws englishe men of Canbrige. In lytle Basil in the Carthusians Closter *in choro sepultus jacet Thomas Poltonus episcopus Vigornensis obiit 1533, tempore consilii Basiliensi*

cui ipse cu. Episcopo Roffensi intererat. Not far from Basil is the ruins of Augusta Rauracorn and at Turnach was a battle fought between the swizers and the lions of Austria. Hauing remayned at Basil all the sommer I passed to Rheinfeld, Brug vpon Arna Kiningsfeld wher the duke Leopoldus of the house of Austria slayne of the swize in the battel fought bi Sembach lieth buried. Baden vpon Limat wher the warme bathes bee and the whyt doue Wettingen an abbey therby. Zurich or Figurn vpon ye lake wonderful pleasant. Shafhaus wher the Cataracte of the River Rhein fall by ye Castle Lawsen Cosnit or Constantia on the Boder sea or Lacu Podamico wher a councel was holden and Ihon Hus was burned, from Constantia ouer the lakes to Vberlinge Fullendorf and passing ouer the riuier Tanan or Danubius we came to Vlma a statly cyty wher restinge thre or foure dayes we sawe Fuckerorn hortos, the einlass wher they receaue the post at nyght, the conduct of water. From thence takinge post for Venice we passed by Latsberg and Ettal a monastery and so passinge the alps we came to Sea selt wher a myracle is to be seane of a gentleman w^{ch} desiring the preist to give him maiorem hostiam then to the rest sunke and imprinted his fingers in the alter, at last we cam to Isbruk or Anopontem wher Ferdinandus deepe the cour we saw also by the way the rode wher Maximilianus primus set up a crucifix, from Isbruke ouer the prennor wald to Sterteingen, Brixen, Kswasen Botzen, wher I was endangered wth my dogg and so by Newmarket to Trent, from Trent to Augsburg 49 miles. From Trent to Castelfranc, Trensio, Maiswes, Magera, Venice. At Venice are My lord Prior, Dr. Parkins, Thomas Cielo Th: Lanclot Rowlandson, Nicholas ye scot, Gittry luter, Ther wear also my L. Pagat our Mr. Marshal & Gile Gregory master of a ship. From Venice I went unto Padua by Lucifcina & so vp ye brenta.

At my cominge to Padua I found Englishmen ther, Mr. Griffin, Richard Willoby, Bruss Middilton ; ther came after Mr. J. Wrath, Mr. W. Cicell, and J. Cycil, Mr. George Talbot and Maneinge, Herson, Cokk, Loke, Martin Vere, Teder and Preist, Dr. Walker at Padua. I lodged firste in Borgo di pione, and after by ye Bo, in Ca di ma dona Magdalene Tedesea. I came to Padua ye 13 of October, mem. ye 19 of the same. At my being ether I went to Venice vpon Assention day to see the tresure and the spowsinge of the sea. At my abode ther ther fell hayl upon magdalen eaue of 14 ounces a peace. Ther saw I also the princes of Japan. In the same year

Pope Gregory 13 died and was suffected. Cardinal Montalto called Sixtus V. At the same time died Nicholas di Ponte duke of Venice was suffected Pasqualis Cyggonia. In Judge the bandits wear nobled & conte Pepoli a great ma of Bologna strangled. The duke of Guise rose agaynst the Hugonots.

Anno 1585 Arundel taken at sea and imprisoned. Westmorland died in ye tower wth ye shott of a dog. Shelly condemned of treason, Parry, Throgmorton executed. The earl of Bedford dyethe his sonne my L. Russel slayen upon y^e Scottishe borders. Antwerpe beseaged and taken whereupon the castel of Piacenza w^{ch} was before in y^e kings custodi was forwarded to y^e duke of Parma. The Q. of England taketh upon her y^e protection of Holland & Zealand.

August 7 *stilo vet*, died myne Vnkle Thomas Randall & James Collins.

At my being at Padua fell also the nage call end of the two Orsene & of Corambona the wiff of Paulo Gordano.

Drak scowreth the seas.

My Lord of Leacester goeth into Holland.

Pope Xixtus maketh 8 cardinals amonge y^e rest y^e bishop of Padua.

Anno 1586 After delivery of a greavous payne w^{ch} I had in myne eyes y^e 13 of May *stilo nouo* I leaft Padua from whence I went by Rodongo through y^e Policene to Terrara mil. 50; from thence to Bologna 30 at ye thre & twenty of Maye I went by Castelfranc to Modena m. 20 from Modena to Rubrica & Reggio 15 m. both belonginge to the duke of Terrara. From Reggio to Parma 15 m. From Parma ouer y^e river Taro to St. Dom, 15 m. to Fiorenzola & Piacenza 20. to ye castel of St. Johan a Snadella 18 & so to Vogera 15 to Tortona 10 to Alexandria 12 thes places belong to y^e Spaniard & have Spanish garison. From Alexandria we came to Asti 18 m and so by *Villa nona ad cheri* to Turin 22 wher resting to see y^e duke of Sauoia's court & other places of Piermont as Saluzzo Cremanuola both vnder y^e french kinge & mont viso called mons vesulus I leaft afterward Italy hauinge traueled from Padua to Turin 242 mil. After leuing my company Sr Carlo Canale, Paulo Emilo Martini & St. Francesco Rocca thre gentlemen of Saulzo I hired a Maron to pass the alps into France. The 30 day of may from Turin to Rinara & Villanara & St. Ambrosio, leges 4 by St. George Tuttzole & Susa a citie 5 leges ouer the mount Senis to Anneberg 7 by Samitie, St. Jeni, St. Johan, Allasambra 12, to Montmelia where the duke kepeth a

strong garison to Chamberi 10 l, the cheaf city of Sauoia wher I mett wth Mrs Swogo passing for millan wth her children, at my being at Turin was honourably entertayned y^e Venetian Ambassador and others y^e christing of Alfonso y^e dukes young sonne, From Chambery to tour du pain ouer y^e mount Gabelletta 9l : & from thence to Lions 10 : the some of leges 57 make 171 m.

Mount Senis deuideth Pimont from Sauoia, mot. de Gabelletta Sauoia from Daulfinie. I came to Lions on Corpus Christi day w^{ch} was y^e 5 of June. Lions liethe vpon two fayre rivers Rhodanus & Sona. At my coming into Fraunce ther I found so great a dearth y^t the people died for want of food in every place w^{ch} caused me to hasten y^e more from Lions to Terrara & Roana, 12l. wher meating M^r Cecill we bought a bote & went down y^e soire by Marsinie, Desisa, Neuers 34l, La charitie & Jean George to Orleans 37l, From orleans by wagon to Charte & so to paris 34l. At paris my Lord embassador S^r p. Stafford relieued me wth crowns whereof I was destitute by the excessive dearnes of traauyl in so great a dearth. From Paris 17th of June by St Dennis to Pontois & so to Roan 24l. & then to deape wher wayting for a wind we took shep & ariued at Rye.

The last will and Testament of Samuel Foxe.*

Anno Domini 1622 Junij. 29.

In nomine et omine sacro sanct et indiuiduæ Trinitatis, Dei patri et filij et Spiritus s^{ti} et cetera Amen.

I Samuell Fox of Warlees in the parish of Waltham holy cross in the county of Essex &c being in health and right understanding at the writing hereof (thanked be God) do ordaine & appoint this my deed & act to be my last will & testament. In primis I commend my soule to almighty God, & my body to a decent & Christian-like buriall at the discretion of my executors w^{thout} superfluous & unnecessary exequies. Item, I will that all my débts w^{ch} I shall dye alliable vnto, be satisfied & payd, a shedule wherof shal be God willing heerunto annexed. Item, I will & bequethe to be distributed to the poore inhabitants of Shipton & Askot in Com. Oxon. 5lb. Item the like sum of 5lb. to the poore of Waltham h.c. aforesayd. Item I will and bequeath to my louing wife Ann all my landes freehold & coppy duringe the term of her naturall life provided & after

* Lands. MSS. 819, fol. 32.

her death I will and bequeath all thos landes freehold & copiehold that are now in my owne tenure & occupation viz. All thos landes called or known by the name of Warlees wth y^e appertinances together wth y^e land & appertinances lieing at Pikk hill * belonging some time to Woodfords & also thos fields & meadowes called Sudfields & Sharpsfields & Greenes Grove wth all the groundes, wood-groundes & groueths housings orchards & gardins now in the tenure of me the sayd Samuel & more particularly specyfyed in theyr severall deeds & coppies, unto Thomas Fox my eldest sonne for his life & after to the heys of his body lawefully begotten, & for lack of such heys to my yonger sonne Robert Fox & the heys of his body lawfully begotten & for want of such issue to my two daughters Ann Botteler & Vrsula Wollaston & to theyr heys according to the custome of y^e manor.

Item I will & bequeth to my yonger sonne Robert Fox my house & land at ye parke gate wth all the howsinge barnes stables medowes pasture woodes & other appertinances severally specyfyed in the copy of court roll sometime Edward Greenes & nowe in the tenure & occupation of Wlm Scraggs for & during y^e life of my sayd sonne Robert & after to the heys of his body lawfully begotten & for want of such heys to my sonne Thomas aforesayd & his heys & for want of such issue to my two daughters Ann B. & Vrsula W. aforesayd & to theyr heys according to the custome of the manor in suche manner of entayles. Furthermore I will & bequeth my lease of Shipton vnder Wichewood in the county of Oxon to the payment of my debts & the discharginge of suche legacies pentions & portions as followe to be discharged by my exequtors out of the rent & profitt therof viz.—I will & bequeath to my sonne Robert out of the rent of Shipton Askot,† Lina or Milton the sum of 20^{lb} per annum to be payd him by 10^{lb} every half year at the vsuall feastes & times of y^e year wherein the rents be payable during the term of his life. Further I give & bequeth to the same Robert 300 to be paid him in three yeers my debts being first discharged, by a hundred pound a year. Item I give & bequeth to my daughter Ann Bot-

* The farm is still tenanted. It joins Warlies Park.

† In fol. 20 of the same MS. occurs the following entry:—"The ij daye of October, Anno Domini 1593, Received of Mr. Samuell foxe my mayster the some of V℥, for my halfe yeares wages due to me at Mycaellmas last. Be me, Jhon Deabant, curat of Ascot.

teler 20^{lb}. Item I give and bequeth to my daughter Vrsula Wollaston 20^{lb}. Item I give & bequeth to my godson & grandchild Edward Wollaston sonne to Henry & Vrsula Wollaston 20^{lb}. Item I give and bequeth to my loving brother Dr. Fox 20^{lb} thes last severall summes to be leuied and payd out of the next sayle at felling Stokly Coppice in ye forest of Wichwood belonging to the lease of Shipton aforesayd. All w^{ch} summs being payed my will is y^t my exequitors or the suruiuers of them or after theyr departure the next in order of my heys as is set downe before in my succession for my land shall have, hold, occupy & enjoye all the remaynder & time vnexpired in the sayd lease Prouided always that the sayd lease be not alienated or sold wthout consent of all parties that have any interest or claime therin by or for any pention or portion assigned or bequethed them in & by this my will & testament vntill the sayd pentions & portions all of them or euery of them be fully & sufficiently contented & payed as is before specified & sett downe. Item I will & bequeth to my sonn Thomas my library of bookes & writings & to my sonne Robert my best horse armour & apparell. All my other goods, cattle furniture stok & householdstuff I bequeath to my sayd wife prouided that she leave my house at Warlees to my heyre furnished as it shall please God. I leave it at y^e time of my departure. Finally I do appoint & ordayne my loved wife Ann & my eldest son Thomas Fox my exequitors & my brother Simeon Fox, Dr. & Professor of Physik overseer of this my will and testament. Strayghtly charginge as well my exequitors as all other that are to have benefitt by this my will especially my children that they presume not to enterprize any suit of lawe troble or molestation one of y^e other, but to abide the aduice counsell & determination of my sayd overseers theyr unkle in all and any matter concerning any legacy conteyned herein. And I give allowance to him my sayd overseer of this my will for & to the good of my wife & children in his discretion or vpon aduice of counsell learned in the lawes to alter, add, amend, any matter of circumstance & form as also to expound & decide any doubt therein that may bread controuersy, the trewe meaning and purport heerof & the good & profitt of my wife & children allewaye respected *Αυτογραφον*, Sam: Fox: Anno Ætatis 62 Imminent minantq climaterico Monenario septeno. Quin uno Liberationem tuam expecto Dno. simul atq. Jacob, Gen: 49. 18."

Extracts from the Proceedings of the Lord's Court, Baron of the Parish of Waltham Holy Cross, A.D. 1605-6, temp. James I. :—

"May 28. 2 Jac : Samuell ffox gent adm : to a meadow called Seaffeild meadow (intr apud Maie 1630) & to a close call : Suffeild.

"May 16. 6 Jac : He was adm : to a meadow called Holles meadow wth ij hedgrowes, Cont: 12 a. & to Peryfeild the les cont. 4 a. 16 pol : & to a peece lyinge in 6 pcells cont. 20 a. 2 r. 33 poles call : Peryfeild the great, woodes, & Jolles. 1. ix^s. 1^d.

"May 20. 3 Jac : He was adm. to a grove 4 a.

"(May 20. 14 Jac : W^m Greene adm : to c ten lands Call : the Nobles.)

"Junij 20. 3 Jac : A Rec : agt Samuell fox of a mess., ij gards ij orch : 60 a. of land 20 a. of mead : 20 a. of past : & 5 a. of wood in Vpshire & Seff. vouch : W^m Symonds sen, & he vouch : W^m Symonds Jun. who vouch, the common vouchee.

"A note of Doctor ffox Cop : such as he sent me by Mr. Wollaston."

A Letter from Samuel Foxe to his brother Simeon dated from his "Cell at Warlies," Waltham Abbey, March 12, 1628.*

"Good brother see how farr y^r loue & my desire of fūrdering my sonns proceadings in so laudable a course, hath transported me beyond my owne resolution & all true rule eyther æconomicall or politick, to capitulate wth my child or to make strangers vmpires & acquainted wth my particulars & designs. Yet bycaus you hold it expedient & I thinke it also reasonable in regard of so fitt a match & so valuable a portion (as I hear is offered) that ther should be a manifestation also on our part what we will doe in counterlieu therof. Take this from me w^{ch} I ever intended as God of his blessing gaue him me & made him the first borne of my streakth so am I still minded to settle my poor estate in & upon him. viz My meaning is after myne & his mother's decease, he & his (if god send issue) shall

* Harl. MSS. 416, fol. 222.

succed in all & also after my decess be ioynt-partner wth his mother. Excepting a smale copy hold (not worth the speaking of) at y^e parke gate & 300£ in money & 20£ annuity out of Shipton prebend w^{ch} I intend to his brother Robert for his better maintenance & can be no great empeachment to him considering ther will be wthin two or three yeares as much wood fellable what in Stokly Coppises what on my ground heer in Essex (wthout doing any wast) as shall (I hope) defraye that slender exiquity. And for the cheafest matter on y^e gentlewomans behalf (whom for the woorth I heer of her I much esteem). I shall be contented to make her a ioynter eyther out of land or lease (as shall be found most beneficiall for her behoofe by her frendes) betwixt a hundred markes or 100 poundes ratably to proportion of y^t portion she shall bring wth her. And for y^e portion itself I have given my sonne free choice of his wife. so shall I be well contented without any defalcation that what she bringeth shall redound wholly to theyr owne proper vse & employment. Also I shall be contented my sonne continewe the same maintenance he hath out of Shipton lease as formerly. And as I have given way already to him in y^e choice of some tenants ther & haue giuen him a tast of my well meaning toward him in that parcell of land w^{ch} descended to vs from his ancestors in Lincolnshire* by death of my cosinn Isaac Fox so mean I likewise vpon all occasions & in matters of the like nature to be no less forward in furduring his honest indeuors & not only be a good father but a steward for him, As for the making of his place in the college & the gratuity he shall receaue at y^e giuing ouer his fellowship I put it not into account as being his owne peculiar as also his faculty out of his education more worth then all I shall leaue him. Neyther will I putt into y^e ballance (w^{ch} well I might) the disburdening him of his sisters portions w^{ch} should haue layne vpon him aboue a thousand pounds thick, who (I thanke god) ar so bestowed y^t they shall be rather an ease & a credit then any incombrance to him. Nor yet y^e payment in of thos debtes w^{ch} I was then forced to come into for thos & y^e like respects, I thanke god I have cleered all & doe owe at this daye no man anythinge saueing my loue & dare be bold (to his praise only be it spoken wthout vaunt who hath inabled me) that ther is not a youngman (his

* In Lands. MSS. 819, fol. 72, is a brief account of "The demayne lands belonginge unto the Manor and Lordshipp of Swyneshed, in the countie of Lincolne."

equal) in this country y^t shall come to his heritage (homely though it be) more fayrly & freer then he shall doe. As for y^e particulars & valuation of my liuing I neither list nether (I thinke) do you look for y^t, I should sett downe it weer but a blazon. I had rather (when the busines is ripe) they whom it concerneth should be theyr owne surueyors or at lest take notice of it by others report then mine owne. For I doubt not but themselves (being reasonable men) will find it competent enough & others will make it more then I would have them. Such a world it is now that a man maye do one more wronge in extolling then extenuating his hauiour. It weer good liuing heer if our liuings & meanss lay farder of. In regard whereof & some other respects I am to intreat you so to dispose of this brief as it maye be to purpose & for ye vse only for w^{ch} it was intended. If the proceding goe forward wth M^r Farnabe & his daughter I shall hold it and keep it wth them as my act and deed: to other purposes I hold my self disingaged. Neyther am I yet any way ielous of my sonne awful respect & affection toward his parents but as I have no cause to mistrust, so would I be loth to give any to tempt him. Too great a charge makes the peece recoyll & benefitts ar so long gratfull & in request as something is still in expectancy. But I leaue all to y^r use & discreet managing & my sonns hopeful & happy proceeding. But especially to god's best guiding w^{ch} is principall, the rest is all accessory. To his keaping s^r I recomend you & my best love to y^r self. Fare you well.

“Your assured louing brother

“SAMUEL FOXE.

“From my Cell at Warlees this 12 of March 1628.

“I pray you good brother send me something to purge this reumm & melancholy, but I must remember you y^t Alces agreeth not wth me. If this ter come to you later then you look for & the date it beereth I am loth to commit it to any handes but such as may deliuer it to y^r owne. Fare well S. F.”

This letter is addressed “To his very louing brother Mr. Doctor ffox at his house in Carter Layne, D.D., theire, London.”

In this Collection of Manuscripts is an original letter of

Samuel Foxe respecting the marriage of the clergy against the Council of Trent.

Additional Extracts from Samuel Foxe's Commonplace Book. Landsdown MSS. 679.

This small volume of 153 folios contains many curious and interesting notes besides those concerning the family. On the first folio are written these words, "This was Samuel Fox's Book, eldest son to John Fox ye Martyrologist. And after Dr. Thomas Fox his son." Samuel Foxe commences fol. 39 with the entry of his marriage, and continues to enter the births, marriages and deaths of his family to the year 1626. His son Thomas begins at fol. 38, A.D. 1636, and finishes a year before his death :—

"Anno Dni 1589. I married Ann Leueson at Estwell in Kent, 15 August 1589. *Ætatis meæ* 29.

"Anno 1590 vpon Neweyeres daye in the morning between 2 and 3 of the clock in the morning the same daye 30 years that I was borne on, being also fridaye, was borne An. Fox at Shipton vnder Wichwood in Oxfordshire. Christened by Sr Moile Finche, My Lady Henneage & mrs Barrett.

"Anno 1591 vpon Shroue sunday (Feb 14.) about 2 of the clock in the morning was borne Thomas Fox at Hawering in the boure in the kinges house; his godfathers Sr Thomas Henneage & Sr John Leueson; his godmother my Lady Finche.

"1593. 9th of July being at 3 of the clock in th' afternoone was born John Fox his godfathers S^r Wlm Twesenden † M^r Willm Rowe † & my Aunt Mary Randal he died the 7 daye of September & lieth buried in Epping church.

* Sir William Twysden, of East Peckham, married Anne, daughter of Sir Moyle Finch. They had two sons, very learned men; the elder was editor of the "*Decem Scriptores*," and the other was the celebrated Judge Twysden.

† Probably Sir William Rowe, Lord Mayor of London, 34 Elizabeth. He had estates at Epping. There was a William Rowe, of whom O Rare Ben Jonson sang. See Epigrams, cxxviii., "To William Roe." According to the poem Rowe was a traveller. The first four lines run thus :—

"Anno 1595 y^e 21 of July being Moondaye at 3 of y^e clock in the Afternoone was borne Vrsula Fox at Hauering, christened by mr Wlm Loueles; my sister Diongee Springe and my sister Vrsula Gresham.

"Anno 1596 y^e 21 of October being Thursdaye at nine of the clokk in the morn was borne John Fox the second of that name christened by Sr Robert Lee* & Sr Francis Cherry & my sister Mary Leueson he was borne at Copt hall & died the 6 daye of January at Hauering & lieth buried at Rumford.

"Anno 1597 the 5 of December at 9 of y^e clock in the morning beinge Moonday was borne Robert Fox, christened by Owen Wood deane of Armach † & Robert Hall ‡ & Mrs Wighan Buggs.

"1599 the 23 of January being Tewsdaye about eleven of y^e clock at night was borne Jane Fox at Copt hall, christened by Dr Dodd, § byshop of Meth & mrs Jane Mondes & John Serll. She died & was buried in Epping church the 4th of February.

"Roe, and my joy to name, thou'rt now to go
Countries and climes, manners and men to know,
T' extract and choose the best of all these known,
And those to turn to blood, and make thine own."

* Probably Robert Lee, Sheriff of London, 1594.

† Owen Wood was of Jesus College, Oxford, Master of Arts in 1584, and afterwards Dean of Armagh, in Ireland, March 17, 1596. He was the second son of Hugh Wood, of Tallylyn, in the Isle of Anglesey—second son of William Wood, descended from Wood Hall, in Lancashire—by his wife Jane, the daughter of Hugh Prys ap Howell, of Mossoglen; descended paternally from Lloworch ab Bran, one of the fifteen tribes. Dean Wood's wife was Joywan, daughter of Richard Cledden, Chaplain to Queen Elizabeth, and Justice of the Peace for the county of Middlesex. Anthony A. Wood says that Owen Wood was made Dean of Armagh by the favour of Robert, Earl of Essex, in whose treasons he was engaged in 1600. See "*Fasti Oxoniensis*," vol. ii., 226.

‡ Robert Hall, probably son of Robert Hall, Justice of the Peace in Waltham in the reign of Elizabeth, and grandson of Robert Hall of Ely, who was buried in Waltham June 11, 1579. The Justice of the Peace was buried Sept. 13, 1583. This family of Halls resided at Claverhambury, in the parish of Waltham. Robert Hall, the friend of Dr. Fox, died here, and was buried September 8, 1615,—"*Buried Mr. Robt. Hall de Claverbury*."

§ Roger Dod, D.D., Dean of Salop, and afterwards Bishop of Meath.

"1600 the 8 daye of August beinge fridaye about Midnight was borne Sara Fox at Copt hall, christened by my brother Simeon Fox my sister Grisild Leueson & my Coseun Sara Barnes. She died the 23 of June Anno 1608 & lyethe beried in Waltham Church by my pue dore.

"Anno 1617. My daughter Vrsula married to Henry Wollaston y^e 29 of April. They borded wth me 3 yeares & in Maye 1620 they went to keepe house at Fishers.

"Anno 1620 the 5th daye of October my daughter Ann was married to Christopher Botteler Esquire,* at Aston Berry in Hartfordshire.

"Anno Dni. 1621, the 15 of June being friday between 6 & 7 of ye clock afternoon was borne Edward Wollaston christened y^e 27 of the same moneth My Lord Denny† & my self being godfathers & Mrs Burnhill god mother. At Waltham church M^r Geoffres preached & christened him.

"Thomas Fox was this yeare Procurator at Oxford.

"Anno 1622 Th. Fox was chosen Bursar of Magdalen College in Oxf.

"Anno 1623 the 18th day of February about 5 of ye clock in the euening being tewesday was borne Ann Wollaston, christened y^e 27 of the same moneth. Sr Wlm Terre godfather & my wife Ann Fox & Grisild Loueson‡ godmothers. Note that in this copulation of yeares, we begin the year at the Calendss or first daye & not according to the church of Englands account, beginning at our Lady day the 25 of March.

"Anno 1624 y^e 23 daye of March being Tewesday between 3 & 4 of the clock afternoon was borne Catharine Bottler at Fishers & christened at Waltham y^e 8 daye of Aprill following. Godmothers the Lady Catherinn Gerrard dowager her grandmother by father's

* Christopher Boteler was the fourth son of Sir Philip Boteler, Knt., of Watton-at-Stone, Herts.

† Edward Denny, second son of Henry Denny. This Edward was born August 14, 1569, knighted in 1589, Sheriff of Herts 1602-3, summoned to Parliament October 27, 1604, as Baron Denny of Waltham, and advanced, by patent 24th of October, 1626, to the dignity of Earl of Norwich. Died 20th December, 1630.

‡ "Grisild Leueson" was buried at Waltham. The Parish Register records that "Misteris Grisill levison, a mayd of 80 yeares of age, buried Dec. 22, 1648."

side & the Lady Francis Botteler late wife of Sr Robert Bottler godfathers Mr John Botteler & my self her grandfather.

"This year Th : Fox was agayne Bursar.

"Anno 1625 the fifteenth daye of March being also Tewesday & within compass of ye year of ye birth of the other childe Catherin : my daughter Ann Botteler was deliuered of a sonne at Fishers in Holyfield about eleuen of ye clock before noone. He was christened John. His godfather, John Botteler of Wrathall his uncle by fathers side & Dr Fox his great vncl by ye mother. His godmother & grandmother Ann Fox ; he was christened in the hous the last day March.

"This year died King James 17 Martij.

Anno Dni. 1626 the fifteenth day of February being wednesday about fiae of ye clock at euen, and not much before the chang or prime of the moone my daughter ursula woollaston was deliuered of a boy christened at Waltham church ye 23rd of Feb. by ye name of Henry Goships. Dr Fox, Mr Samuell Middlemore and M^{sts} Ann Boteler, Substitues for ye Godfathers Mr Thomas Burnhill and Tho. Fox.

"Anno 1626 the 22th day of August beeing tuesday about eleuen of the clock before noone was borne Ann Boteler at Stapleford in Hertfordsheire and christened on thursday ye last day of ye same month, hir godfathers. Mr Nicholas Boteler of Netherhall, Godmothers my Lady Ann Boteler wife to Sr Jo : Boteler of Woodhall and Vrsula Wollaston.

"Anno 1627 ye 3^d day of november beeing satterday (in cro. aiarum.) about 2 of the clock in the morning my daughter Ann Boteler was brought to bed at Stapleford of a sonn, christened Phillip : Godfathers Phillip Boteler vnkle by ye father's syde, Tho. Fox vnkell by ye mother's syde, and M^{rs} Boteler wife to M^r Nicholas Boteler of netherhall god mother.

"Anno 1672, The 27th day of September being tuesday about fiae of the clock in the evening died My Cosen John Botteler att his owne house att Stapleford in Hertfordshire and he's buried at Watton."

The remaining portion of this diary appears to have been written by Dr. Thomas Foxe :—

"Laus Deo.

"Anno 1636, 22 febuarii being Ash wednesday betwixt eleven and twelve of ye clocke att night, was borne Alice ffoxe att Pett by

charing in Kent christened vppon ye 5 of march by Mr. Henry Honiwood * hir vncke, ye Lady Honiwood hir Grandmother and Mrs Judith Shurly hir Aunt. *Hanc In Deus meus protege sub alam. mam. umbra.*

"Anno 1642, April 19, about 2 of y^e clocke atte night my uncle Doc. Simeon ffoxe died in Amen Corner by pater noster Rowe, and lies buried in St Pauls church London att y^e North dore by Doc. Linacer his Tomb; his funerall was uppon Snt Marks day being y^e 25 of y^e moneth.

"Anno 1646, may 29, my brother captain Robert ffoxe died at my sister Wollaston's house in Waltham Abby about 12 att noone, and lies buried in y^e chancell nare ye Earle of Carlisles seate; hee was buried uppon ye 31 of may 1646.

"Anno Dni. 1648 maii 26 my deare wife Ann Honeywood † died att my cosens Vrsula Warner hir house in Bromly, whose body was (in ye time of ye rising in Kent) was carried to charing, and ther lies buried, *in memoria eterna egunt justi.*

"Laus Deo.

"Anno Dni. 1659 feb. 21 my daughter Alice Willis was deliuered of a daughter about 11 of ye clock att noone vppon ye 23 of ye same moneth, ye child was christened, and called Ann ffoxe. Hir Godfather was my selfe, ye Lady Willis of Ditton in Cambridgeshire and sister Wolleston.

"Laus Deo.

"Anno Dni, 1661 June 30 my daughter willis was delivered of a boy about 12 of ye clocke att night, vppon ye 4 day of July the child was christened and called Thomas ffoxe Willis, the Godfathers was my selfe colonell Willm Willis, ye Godmother the Lady Henry Chishesly. He was bereft of his wits.

"Anno 1663 this was writ by Sr. Rich Willis." ‡

* The son of Robert and Elizabeth Honeywood. He "was borne uppon Saturday the xiiij of July, 1593, at one of ye clock in ye morning, at Pet, and christened at Charing Church ye Sondag following; my sonnes-in-law Henry Thomson and John Moyle godfathers, and Mrs. Anthony Deering, of Charing towne, godmother."

† "Anna Honiwood was borne at Pett, in Charinge, uppon Tewesday the 26 of November, 1588, and ther baptized, my brother Richard Browne, Mrs. Dorrell, of Calehill, and my dowghter Thomson being witnesses."—Nichols' Top. et Gen., vol. ii., p. 171.

‡ The name and date has been scratched out, and Dr. Tho. Foxe inserted as the writer.

Extracts from the Parish Registers of Waltham Holy Cross :—

- “ 1565 Rafe and Mary foxe the sonne & dowter of John foxe.
Jan. 29. Bapt.
1569 lawrence foex—buried July 5th.
1588 Thomas ffox the sonne of Andrewe ffox Citezen was bapt.
Sept. 15.
1608 Sara fox daughter to Mr. Samwell fox buried ye 26 June.
1617 Henry Woollerstone gent married to M^{ss} Ursula fox Aprill 29.
1626 John Masson & Ann fox. married Sept. 3.
1629-30 M^r Samell foxe was buried. January 16.
1630 Misteris Ann foxe the wife of the late decesed M^r Samuell
foxe was buried the 18 day of May 1630.
1646 Captain Robert fox was Buried the 30 day May.
1659-60 Anne Fox daughter to Sir Richard and Lady Alice Willis.
Feb. 21.
1660 William son of Mr. William and M^{rs} Grace Fox of St. Ann
Aldersgate London buried March 19.
1662 D^r Thomas Fox buried in the Church ye 26 Nov.
1684 W^m son of Rennall ffox. Bapt. Oct. 12.
1688 Jane wife of Gregory ffox. buried Oct. 2.
1701 Elizabeth daughter of Christopher Davenport Gent. & dame
Ann ffox his wife buried July 17.
1703 Elizabeth nursed at foxes, buried July 2.
1704 Thomas Elcome & Hannah ffox,—married May 28.
1706 A nursechild from foxes—buried Dec. 20.
1706-7 John Oxford from foxs—buried—Feb. 1.
1714 Elizabeth daughter of Daniel & Elizabeth Fox Bapt. Nov. 29.
1721 James Travers sonn of Daniel & Elizabeth Fox of London
buried Sept. 24.
1734 Samuel Fox buried. April 22.
1749-50 Samuel Thompson wid. & Mary Fox. married Feb. 4.”

Extracts from the Churchwardens' Accounts of the Parish
of Waltham Holy Cross :—

- “ 1630 Rec^d for M^r foxes grave in the church vi^s. viii :
,, Item paid to Thomas Burd for Kivering Mr. ffoxes grave 1^s.
,, A note of money Recaived upon a free gift in the hamblits

of Upshire and Hallifild the aforesaid yeare in the time of the scar-
citie and dearth of Corne. Dockter ffox xx^s. Mr. Bessanoe * xx^s."

There are also 35 names appended as donors of one shilling each.

Extracts from the Parish Registers of Nazing (near Waltham Abbey) :—

" 1571 Nicholas Knight & Agnes Fox married ye xvii of Sept.

1572 William ffoxe nursechild, buried Nov. 7."

From Cheshunt Parish Register (near Waltham Abbey) :—

" 1566 The wife of fox, Buried Nov. 16."

From a headstone in Waltham Abbey Churchyard :—

" Sacred to the Memory of Mr. Isaac Fox, late of the parish of Enfield, who departed this life July 25, 1821. Aged 51 years.

" Adieu my wife and children all
I yield to the Almighty's call ;
My children dear, pray love each other,
And cherish your afflicted mother ;
Support her in declining years,
Oh ! sooth and catch the falling tears,
And may the grace of God be given
To sanctify your souls in heaven.

" Also Ann Fox, wife of the above, who departed this life, Oct. 1, 1844, aged 74 years."

* The Bassano family were noted for their musical skill.

SIMEON FOXE, M.D.

Simeon Foxe, the youngest son of the martyrologist, was born in the house of the Duke of Norfolk in the year 1568. At the age of fourteen he was elected to a scholarship at King's College, Cambridge, August 24th, 1583, and on the same day of the month, 1586, he was admitted fellow of this college. In the next year he took the degree of B.A., and M.A. in 1591. Bishop Piers promised Simeon a prebend, but the young medical student probably saw that he was not called to the work of the ministry, and therefore would not pursue that course. He resided for some time with Archbishop Whitgift after leaving college, but shortly went abroad with a view to study medicine. Dr. Munk has given the following account of Simeon Foxe—"When applying himself to the study of medicine he travelled into Italy, and proceeded Doctor of Medicine at Padua. Returning home he entered upon military service, and was with Sir John Norris and the Earl of Southampton in Ireland and the Netherlands. In the Netherlands he is said to have been taken prisoner, and to have been detained for a time at Dunkirk. He reached London in 1603, and shortly afterwards commenced the practice of his profession. Dr. Foxe was admitted a candidate of the College of Physicians, 30th September, 1605, and a Fellow, 25th June, 1608. He was Censor in 1614, 1620, 1621, 1623, 1624, 1625, 1631, 1632; Registrar, 20th November, 1627, on the death of Dr. Gwinne; Treasurer, 3rd December, 1629, on Harvey's resignation of that office; Anatomy Reader, 1630; Elect, 22nd December, 1630, in place of Dr. Moundford, deceased; President, 1634, 1635, 1636, 1637, 1638, 1639, 1640; Consiliarius, 1641. He closed an active and useful life on the 20th April, 1642, and was buried in St. Paul's on the 24th of the same month, close to the grave of Dr. Linacre. By will he bequeathed to the college £40, to which his nephew added another £60, making together £100. On the 22nd December, 1656, the college, on the proposition of Dr. Hamey, unanimously voted the erection of a marble

bust to his memory in the Harveian Museum, on the pedestal supporting which there was engraved, '*Simeoni Fox suo sæpiùs Præsidi et Benefactori, hunc locum dedit Collegium.*'" *

Dr. Foxe resided for some years at Amen Corner, Paternoster Row, London, and in a professional way he attended Dr. Donne, Dean of St. Paul's, who died in 1631. He also contributed a large sum of money towards the erection of a monument to the memory of the great "metaphysical poet." There are several original letters of Dr. Simeon Foxe in the British Museum,—see Harl. MSS., 416, fol. 211 ; 417, fol. 125. Some have assigned the authorship of the Memoir of John Foxe to Simeon, but this is questionable.

Simeon Foxe's monument in St. Paul's was erected by his nephew, Dr. Thomas Foxe, physician, who also composed the following epitaph :—

"P.M.

Simeonis Fox

Qui Johannis Fox ex Anna Randal,

Uxore, jam quinquagenaria, filius natu minor

Quum Etonæ gymnacio pueritiæ rudimenta

Posuisset,

In hujus collegii socius merito ascitus est.

Exinde

Johannis Cantuariensis archiep.

Familiam honestate ornavit.

Peregre studiorum causa profectus,

Paduæ claruit :

In Medicinæ Doctoris titulo insignitus

Syndicique officio ibidem functus,

Londini

Symmistarum sodalitis quinquennio

Præsedit.

Arte, fide, probitate eximius.

Quo clariorem

Vix habuit Asclepiadum schola.

Animam Deo reddidit, cœlebs in terris,

Æternum maritandus in cœlis,

* Roll of the Royal College of Physicians, vol. ii., p. 138.

Ætatis suæ an 80. sal. humanæ MDCXLII.
 Hoc votum solvit tibi mœrens Thomas Fox
 Ex fratre nepos
 Amore et officio."

DR. THOMAS FOXE.

Dr. Thomas Foxe, the eldest son of Dr. Samuel Foxe, was born at Havering Palace, Feb. 14, 1591. In due course he was sent to Magdalen College, Oxford, where he was procurator in 1621. The following year he was chosen bursar, and on June 25, 1623, was admitted a candidate of the college of Physicians.* He was again chosen bursar the next year. About this time he married Anne Honeywood, the daughter of Robert and Elizabeth Honeywood of Charing, in Kent, and Markshall, Essex. She was granddaughter of Mrs. Mary (Waters) Honeywood, whose name is handed down by the biographer of the martyrologist under the following circumstances. Mrs. Honeywood on one occasion was brought into deep spiritual trouble; she imagined that she was predestinated to eternal misery. In this low state of mind she was visited by many Christian ministers of celebrity, who endeavoured to console her. Among these was John Foxe the martyrologist, whose counsels and reasonings appeared, like the rest, to be futile, for her fears of endless misery grew stronger and her faith weaker, till at last, having a drinking-glass in her hand, she threw it with great violence to the ground, exclaiming in an agony of despair, "I am as surely damned as this glass is broken;" but the glass, to the surprise of those present, rebounded from the floor and was taken up entire. This glass is still preserved by the family. But even this apparently miraculous occurrence made no favourable alteration, for she continued in the same mournful condition, "till at last God suddenly shot comfort like lightning into her soul, which, once entered, ever remained therein; so that she led the remainder of her life in spiritual gladness."

* Harl. MSS. 416.

This circumstance she related to Dr. Thomas Morton, Bishop of Durham, from whose mouth Dr. Thomas Fuller received the account.* In the dining-room of Markshall there hung for many years the portrait of Mrs. Honeywood, in the habit of her widowhood with a book in her hand, and on her hat inscribed "ÆTATIS SUÆ 70;" and on the opposite side "ANO. DNI. 1597." A note respecting the mother of Ann the wife of Dr. Foxe is worth a place here, as it relates specially to Waltham Abbey. In the "Honeywood Evidences" † it is stated—

"That my brother Anthony having perchased of Mr. Randoll ‡ a copyhowld tennancy at Waltham in Essex howlden of S^r Edward Denny Knight, by fyne uncerteyn, did compownd wth S^r Edward Denny for my sister's lief and his owne for y^e fyne of forty marks, whereof he paied in hand 10l. and gave his bond for 16l. 13s. 4d. more; and uppon tewesday in Whitsonweeke 1599 [29 May], comynge to me to myne howse in Hoxton, he made me acquaynted wth y^e same and did then offer me, that if I would paye y^e same 16l. 13s. 4d. unto S^r Edw. Denny, § then he would by his wyll geve y^e same howse and lands unto my sonne Henry Honiwood, after decease of my sister his wife, and for want of Henry, to Michaell, or any yonger sonne of myne, and to his heirss, affirminge faithfully, that he would pforme yt, if I would take his worde for yt, and trust him in yt; w^{ch} mony I payd accordingly unto S^r Edward Denny, and took back my brother's bond, ultimo Maii 1599. P^d by Henrye Kynge.

"Mem. My brother synce hath sowld away this copyhowld tenemt, and I am otherwise uppon new agrem^t satisfyed, as in y^e laste leafe of this booke appearth." [Fol. 26b.]

While Dr. Thomas Fox was at college he appears to have been acquainted with Ben Jonson the poet, Dr. Prideaux, and

* Fuller's "Worthies of Kent," p. 86.

† Nichol's Top. et Gen., vol. ii., p. 174.

‡ Probably a relative of the Martyrologist on his wife's side.

§ Sir Edward Denny, son of Sir Anthony Denny, was buried in Waltham Church. The following entry occurs in the parish register, 1599—1600. "Sir Edward Denny, Knight, the Elder, was buried the xiiii daye of feburarii, Anno ut supra." His effigy, in the costume of the period, lies under a canopy at the south-east end of the church.

other celebrities. He informs us of the great success of many of his companions during the year 1619.

“We have had a great Act this year, eighteen doctors, and sixscore masters of Arts. Dr. Prideaux is Vicechancelour and poet Jonson was of late created Master of Arts being recommended unto y^e vniuersity by y^e Lord Chamberlaine, our chancelour,” &c.

The writer of Jonson’s memoir in the *Biographia Britannica* remarks that—

“In the year 1616 Jonson published his works in one folio volume ; and the poet Laureat’s salary of a hundred marks per annum was settled upon him for life by King James I. Crowned with these honours by his prince, he saw the most distinguished wits of his time crowding his train and courting his acquaintance, and in that spirit he was invited to Christ Church in Oxford by Dr. Corbet, then senior student of that college. Our poet gladly accepted the invitation, and having passed some time in cultivating his muse in that delightful seat, he received an additional attestation of his merit from the university, who presented him with the honorary degree of Master of Arts at the Act in 1619.”

This occurred on July 19, according to Wood, who remarks that—

“Benjamin Johnson, the father of the English poets and poetry, and the most learned and judicious of the comedians, was then actually created master of arts in a full house of convocation.”

One of the most interesting original letters of Dr. Thomas Foxe in the Harleian collection is the following, addressed to his father, Dr. Samuel Foxe :—

“Sir my humble duty remembred unto yourselfe and my mother. I have thus long neglected to write unto you expecting this bearers coming up to London, my boy William who shall waite uppon the Doctor, my request unto you is that when you come to London you would give him good counsell, and be a means unto y^e Doctor to use him well.

"Weehavehad a great Act this yeare, eighteen doctors, and sixescore masters of arts. Dr. Prideaux is vicechancelour, and poet Johnson was of late created Master of Arts being recomended unto y^e vniuersity by y^e Lord Chamberlaine, our chancelour. Wee have past our election and have chosen sixe newe probationers for my old frinds place Mr. Pender (whose place was void by his death) ther wer fife seuerall kings letters mandatorie to Mr. Briggenden being found to have bin married aboue this yeare space, was constrained honeste decedece before y^e Act and had noe gratuity giue him at y^e election. Mr. Hunson that hath bin long madd hath nowe surrendered his place, but can obtain noe gratuity. Mr. Tobie Gatbramt hauing obtained my father carpenters living hath made his place ouer unto his brother a demy. Mr. Giles would have left his place to a stranger but being crost in his suit at last brought in a demy, Mr. Elmes a young man being not able to procure a phisitions place through the peruersnesse of Dor. Wilkinson resigned his fellowshipp unto on of Mr. Drops sonnes. Mr. German would have giuen ouer unto a stranger but being crost hee brought the Bishop of Bristowe and y^e L. Danuers to sue for him but they could not preuaile, and therefore hee remains as yet fellowe but as it is thought hee will be expelled before Michaelmas. I am sorry I cannot heare from my brother since my returne, but I presume it is multitude of businesse about his building not want of loue w^{ch} makes him thus long to forbear to write unto whome as alsoe to my sister, and Aunt I desire hartily to be recommended, thus being in great hast I leaue you to God's protection.

"Your most dutifull and obedient sonne "

August 2^{do} 1619.

Thom. ffox.

"Addressed to y^e worth. my very louing father Mr. Samuel ffox at his house in Waltham these bee." *

In this same collection of MSS. is a draught of a letter from Dr. Foxe the physician to a person of high rank, probably Sir Thomas Roe.† There is an original letter of Sir Thomas Roe

* Harl. MSS. 416, fol. 226.

† Probably Sir Thomas Roe, nephew of Sir John Roe. He was knighted by James I., and appointed ambassador to the Mogul at the instance of the East India Company, to whom he rendered valuable services during the four years he held the appointment. He died in 1644. Of him Ben Jonson sang,—

to Doctor Foxe, dated at Constantinople, May 3, 1623, giving some observations respecting the Turks. There is a letter from the Lords of the Privy Council to Dr. Thomas Foxe, dated from Whitehall, 17th June, 1639, for a donation to assist the King, who with an army had proceeded against the Scots.

In the Lansdowne MSS. is a letter respecting the assessment of Dr. Thomas Foxe's property; the document bears date January 8th, 1644, "att the Comittee of Lords and Comons for advance of Money." The following letter in the same collection is a reply to it:—

"At the Comittee for Sequestracons in Westm. die Mercurij 12 febru. 1644 xx Carol Regi.

"fforasmuch as it appearss to this Comittee by an order from the Comittee of Lords and Comons for advance of money at Haberd Hall dated the last of January past that Dr. ffox hath paid his xxth pte alsoe by a certificate from Comittee of Arreares that he hath paid all his assessmt ymposed uppon him. It is therefore ordered that the sequestracon of the estate of the said Dr. ffox be taken off and discharged. Johem Jackson Collector ibur."

Dr. Thomas Foxe held a great deal of property in Waltham Abbey, besides that which his father died possessed of. The writer owns two MSS. hitherto unpublished, dated at Waltham, 1632, which refer to this copyhold property, and which may be of sufficient interest to merit a place in these pages. Mr. Robinson, whose name is mentioned in the document *infra*, was of the same family that resided at Cold Hall in this parish; the hall is still standing, but is divided into three separate dwelling-houses. The houses referred to in the annexed document were situated in the hamlet of Upshire in the parish of Waltham Abbey, viz.,—

"Manor de Waltham Sce. Crucis. Decimo octavo die Decembris Ao. Dni 1632.

"Thou hast begun well, Roe, which stand well to,
And I know nothing more thou hast to do."

"M^d. that the day and yeare above said Willyam Robinson of Waltham holy crosse in the County of Essex taylor hath surrendered into the hands of the Lord of the man^r of Waltham holy crosse aforesaid by the hands of Henry Wollaston gent. and John Smith two customary tenents of the said man^r by the rod according to the Custome of the said man^r. All those his two cotages or tenements situate in Vpshire whiche man^r aforesaid one of them in the tenure and occupacon of the said Willyam Robinson abutting vpon a greene there called Sawdres greene towards the east and vpon a croft called Ioules towards the west, the other tenement or cottage now in the tenure and occupacon of Christopher Parsons of Waltham aforesaid abutting upon ye said greene called Sawdres greene towards ye east and upon a Croft called Ioules towards ye west wth all ye gardens, orchards, crofts, barnes, stables and houses and all other the apptenances to the said tenements or any of them belonginge or any wise apptaninge or there wh or w^{ch} any of them used occupayed or misyed as pt pcell of member of hem or any of hem. To the use and behoofe of Thomas ffox of Waltham holy crosse afforesaid esqre and of his heires and assignees for ever.

" Willyam Robinson.

" Henry Wollaston }
John Smyth } tenents

ffines. ix℥
Cop. v^s.

" Endorsed W^m Robinson his surrender to Doctor ffox."

The following is another copy of the surrender of the same property :—

" Whearas William Robinson of Waltham holie Crosse in the countee of Essex Taylor by his surr, bearinge date the xviiith daie of December Ao Dni 1632 surrendered into the hands of the Lord of the same mannor of Waltham by the hands of Henry Woolerston gt & John Smith two customarie Tents of the said by the rod and according to the Custome of the said Mannor. All those his two Cottages or tenements in Upshire in the mannor aforesaid. One of them in the tenure or occupacon of the said W^m Robinson the other in the tenure or occupacon of Christopher Parson wth the apptennces &c. To the use and behoofe of Thomas ffox of Waltham holie crosse aforesaid esqr & of his heires & Assgs for ever as by the same sur-

render more at large may appear. Now know yee that the said Thomas ffox have constituted and made Robart ffox my welbeloved brother of Waltham aforesaid Gent. my true and lawful Attorney as well to receive for me & in my name & to the use & behoofe of me the said Thomas ffox my heires and assgs for ever admittance to all singular the pmisses wth their Apptennces according to the tenor efect & true meaneinge of the above recyted surrendered, and also to surrender the same backe againe into the hands of the Lord of the said Mannor by the hands of the steward or two Customarie tenents of the same mannor by the rod & according to the custom of the said Mannor. To the use and behoofe of me the said Thomas ffox & Ann my wife for and dureinge o^r mutureall lives and the life of the longer liver of us & from and after our deceasses then to the use & behoofe of the heires & assgs of me the said Thomas ffox for ever according to the custom of the same Mannor.

“Tho : ffoxe” *

“Signed and sealed
in the presence of us francis Thomas, Thomas + Glinerster his mark.”

Dr. Samuel Foxe left to the said Thomas his son his lease and tenant-right of the parsonage of Shipton,—

“Who enjoyed by renewing above thirty years, and in his time made severall short leases of the tythes of Shipton and Ramsey to one Thomas Skay, yeoman, who from time to time held the said tythes of Shipton and Ramsey, above twenty years being tied to the very same words and covenant concerning the poor’s entertainment, as appears by the leases plainly, and particularly by the lease made by the saide Thomas Foxe to Thomas Skay, bearing date the 7th of June 1660. And here it is observable that Thomas Skay was by all his leases bound to the very words of entertaining 2 couples of poor people every Sunday and festivall day at the parsonage house in Shipton still and nowhere else, without the least obligation, of paying any summe of money to Ramsey or any other place upon that account. On the 20th of November 1662, Doct. Thomas Foxe died, and left his lease and executoriall right of the said parsonage of Shipton, with all its members and apper-

* An estate was left in trust to Thomas Foxe, Esq., for the repair of Waltham Church; the document bears date Dec. 5, 1637.—Farmer’s Hist. Waltham, p. 163. (1735.)

tinances, to his only daughter and sole executrix Dame Alice Willys wife to Sir Richard Willys of Shipton in the county of Oxon, knt. and bart." *

Dr. Thomas Foxe was buried in Waltham Abbey Church on the 26th day of the same month.

One of Dr. Foxe's intimate friends in Waltham was James Hay, the Earl of Carlisle, a favourite at court, and the patron of Dr. Thomas Fuller, to whom he dedicated his history of Waltham (1655), and whose good feeling towards the earl is exemplified in the latter part of that history.

"The Abbey [of Waltham] is now the inheritance of this earl's † grandchild (by Honora his daughter), James Hay, earl of Carlsile, who married Margaret, daughter to Francis, Earl of Bedford, by whom as yet he hath no issue; for the continuance of whose happiness my prayers shall never be wanting."

On one occasion the earl, being pressed for money, wrote to his friend Foxe for the loan of five hundred pounds for one year, but whether the money was granted or not we have not yet discovered. The following is a copy of the letter:—

"Dr. ffoxe

"I heard you were latly at Waltham, and I sent by Mr. Olivear to inuite you to dinner to my house, but missing that opportunity I make it my request to you to lend mee five-hundred pounds for one yeare I shall give you good security for it, and acknowledge it as a kindnes done to

"Yr most assured louing friend

"J. Carlile.

"May 8 1654."

This letter is directed—

"To Dr. ffoxe at the Sign of the Bell a Shoormakers house, at the lower End of Chancerye lane neere fleetstrete giue these." ‡

* Harl. MSS. 419, fol. 171.

† Edward Denny, Earl of Norwich.

‡ Lansd. MSS. 819, fol. 46.

This earl died at his noble mansion near the Abbey Church of Waltham, and his remains were committed to the dust by the old curate, Nathaniel Hatley. In the register is the following entry :—

“The right Hon^{ble} James Earle of Carlile departed this life Octobr 30, and was buried at the upper end of the chancel, November 15th *Anno Domini* 1660. *Præijt Dominus, et servus sequar N. Hatley.*”

CAPTAIN ROBERT FOXE.

Robert Foxe, the younger son of Dr. Samuel Foxe, was born December 5th, 1597, at Copt Hall—at least we suppose so from the fact that his brother John was born there the year previous, and his sister Jane in 1599. But the entry of their baptism does not occur in the parish registers. Probably the Foxes being in affluent circumstances, the children were christened privately, and so their names were not registered. At the age of nineteen we find Robert located at Clifford's Inn, London. In the summer of that year, 1616, he writes to his brother Thomas, then a Fellow of Magdalen College, Oxford, respecting the trial of the Earl and Countess of Somerset at Westminster, for the murder of Sir Thomas Overbury, a miscellaneous writer, born in Warwickshire in 1581.

In 1604 Overbury contracted an acquaintance with Robert Car, or Ker—afterwards Earl of Somerset, a favourite of King James I.—by whose influence he was knighted in 1608. Sir Thomas Overbury subsequently became the confidant of his patron, and assisted him in his intrigues with the Countess of Essex, when this unhappy lady had, by a series of disgraceful acts, procured a divorce from her husband. Overbury strenuously advised Lord Rochester not to marry her; this counsel was immediately communicated to the lady, who from that time sought means to remove her adversary. An attempt was made to place him at a distance by appointing him to a

foreign office ; but this he refused to accept, and on the ground of disobedience in declining the king's service, he was at once arrested and made a close prisoner in the Tower, where the Earl and Countess administered poison to him in his viands, and which terminated in his death. Some considerable time elapsed before the facts of the murder were made public, when the keeper of the Tower, with several other persons, were condemned and executed. The Earl and Countess, however, were convicted and condemned, but not executed. Robert Foxe was one of the spectators in Westminster Hall when the case was being tried.

The following is a copy of the letter from Robert Foxe to his brother Thomas respecting the trial, &c :—

“ Kinde brother after my very kinde commendacons unto you remembred, theis are to lett you understand that I haue receiued your kinde letters for which I most hartily thanke you. I thanke you alsoe the rather because I now as alwaies I haue hitherto found you loue in reioycing at my pferment ; now I ame I thanke God in the way as I hope of preferment and I doubt not by Gods healpe but to find hereafter like a manne of my selfe in good sorte as one should bee of my posession. Concerninge newes, heere is exceeding greate businesses in London but I dout not but you haue hearde of at Oxford alredy of all or newes and peradventures somme more than is trew. But uppon friday last beeing the 21st day of May was the lady arained at Westminster but beeing arained saide littell or nothings and there was attainted of nothings but the death of Sir Thomas Overbury.* The perticuler articles (as there were many) I could by noe meanes see although I stood close by for there were soe meany in the hall as I could understand scarce ouer a worde. The next day beeing saterday the Earle was arained whoe stooode exceeding longe at the Barre wth manny greate examinacions and hee answered very exceeding well to many of them and freed himselfe from many scandalls which would haue after his death ye sondre perticuler articles which were proposed against him were soe many y^t hee was forced to crave the sondre inditementes in writinge vnto which hee answered againe in writinge and soe preferred them to ye lord

* A very good portrait of this gentleman is preserved in Nichol's " Progress of James I." Taken from a rare print.

Chauncellr hee was not attainted of any thinge ellse but of Cudeburies death soe theye stande untill tenne a clock at night, but the Peares found them both guilty and soe they were condemned both to be hanged and nowe stay the kinges pleasure soe the corte broake vpp and the prisoners were returned to the place from whence they came ; this is all the newes I canne certifie yo^u of to Certife yo^u only in the truth but If I chaunce to happen of their examinations I will send yo^u them but I ame loth to send yo^u worde of any thinge vntill I know full certainly thereof because theire goe so many flyinge tales abroade which are starke lyees. My sister Ursula may in towne one Thursday whoe certified mee that ye buildinges goe forward a pace and will bee eanded shortly ; shee telleth mee that it will doe werry well ; my ffather, mother, and aunte and sisters both are uery well and willed mee to commend there loues to yo^u when I next writt unto you. Wee shall scarce finde another gammon of Bacon at ould Roberts now if wee should comme thether half hungerstarued nor a good cheese cake nor any good creame when my ould host Nicoles at Waltham Church gate* is deade. Geasper† and many other about us are in great troble for stealinge of deare my Lord doth Tyranies very exceedinge much ouer them and undoeth many of them. This is all y^e London newes & Essex newes I canne certifie you of and soe I rest allwayes as hether to I haue I hope binne.

“ Cliffords June in London this firste of June an. 1616.

• “Yo^r assured lovinge brother to Commande,

“Robert Fox.”

This letter is addressed “to his very louinge brother Mr. fox fellowe of Magdalen Colledge in Oxon DD. there wth speede.”

Robert Foxe eventually became captain in the navy. There is a letter in the Lansdowne collection of MSS. from him to his brother Thomas, written at sea “from the Downes,” dated 16th Nov., 1634, in which the writer says that he is in charge of a vessel just come into the Downs from Spain, laden with £240,000 in silver bars. He desires to be remembered to his

* Probably host of the “Cock Inn,” near the church now standing. “Jesper necoll married Jane bruet” at Waltham Church, July 4, 1568.

† “Geasper” may have been son of “host Nicoles.”

"loving sister," to Miss Wake,* "to ffishers, and Stapleford."† In the same collection there are three or four more letters, written by Sir John Pennington to Captain Robert Foxe. The first is a commission from Admiral Sir John Pennington to Capt. Robert Foxe, of his Majesty's pinnace the "Lion's First Whelp," to seize the ships of the Dunkirkers till they shall make satisfaction to the Earl of Pembroke for certain fishing vessels that they have unjustly taken from him. Dated Nov. 1, 1638.‡ After this date we find Foxe in command of the ship "Leaghorn,"

"By command from the Right honorable o^r Lord High Adm^{al} of England. These are to pray and require yo^u to looke out yarely from tyme to tyme that noe Barks Retches or Boats, Sweepes for Cables, Anchores, or any other thinge sunke in this roade wthin his Lord^s bounds or Limitts, that is to say further from the shoare then a horseman may ryde in at Lowe water & touch them wth his lance but such as haue warrants for it vnder his said Lor^{ps} hand, and Seale. And if you find any transgressinge herein yo^u are for the first tyme to admonish them that they doe it noe more w^{ch} if after they p^rsume to doe yo^u are to cause him or them to bee apprehended, and kept in safe custody till yo^u can acquaint me wth it if I bee here or in my absence any other officer of the fleete or such as I shall depute in my place, that wee may give my Lord Adm^{le} knowledge of it & receive his further commands therein, Heareof you may not sayle & this shall bee yo^r sufficient warrant for the same from aboard his mat^s shipp the St. Andrew in the Downes this 12th of August 1641. J. Pennington.

"To my very loveinge friend Captaine Robert Fox, Capt. of the League-horne m^rchant." (Lansd. MSS. 819.)

In another letter Sir John Pennington requests Captain Foxe—

"To attend the cominge of Sir Robert Honywood and his lady," whome he is—

* Most likely a branch of the Wake family, Lords of the Manor of Waltham.

† These relate to the Wollastones and Botelers.

‡ Lansd. MSS., 115.

"To receive aboard shippe wth their retinue and baggage and wth ye first opportunity of winde and weather to transport them over for such parts of Holland as they shall desire, &c. Date September 10th 1641."

On the third of the following month Sir John Pennington orders Captain Robert Foxe to bring his vessel "the Leaghorn," up the "River of Thames." The crew is then paid off. There are several notices of Captain Foxe in the calendar of State Papers.* He died in 1646, and was buried in Waltham Church.

HENRY WOLLASTON OF WALTHAM ABBEY.

Henry Wollaston of Waltham was a descendant of the noble family of Wollaston of Shenton Hall, co. Leicester. This family flourished in the time of Edward III. at Wollaston in Staffordshire, and in the reign of the second Richard they sold the manor to the Aston family. This Henry was twice married, — first to Sarah, daughter of William Burges of Kent; and second to Alice, widow of Mr. Smith. His son Henry, first of that name, was buried at Waltham in August, 1588, a year memorable in history for the defeat of the Spanish Armada. The second son, Henry, was a man of very high position in Waltham. He was Justice of the Peace for Essex during the reign of Charles the First and Second, and throughout the Protectorate. He acted in lieu of the clergyman of the parishes of Waltham and Nazing in respect to marriages. The parish registers show that he married a great many couples from 1653 to 1657, and in some instances the banns were published three separate times in the market-place on market days. The elder Henry, though much engaged in London as a large draper and alderman of the city, frequently resided at Fishers in Waltham, and was so attached to the town of Waltham that he bequeathed to

* Public Record Office.

the poor of the parish the sum of one shilling weekly, which was to be spent in bread, and divided every Sunday. This gentleman died suddenly in his arm-chair while in the act of singing a psalm; this occurred about the year 1617. His son Henry Wollaston, Justice of the Peace, married Ursula, the daughter of Dr. Samuel Foxe of Warlies, Waltham Abbey, April 29, 1617. The first three years of their wedded life were spent at Warlies, after which they removed to Fishers, the homestead of the Wollastons. They had issue Edward, born 1621; Anne, 1622-3; Henry, 1625-6; Ursula, 1628; Thomas, 1629; and Samuel, 1632. Most of the family, it appears, were born at Fishers; the house is still standing on the right-hand side of the green, midway between the Nazing Road and "Pains Island," leading to Cheshunt. Of Edward, the first son, Dr. Foxe was especially fond, and in his will leaves him the sum of £20, no small amount in those days. Henry, the second son, married Anne, daughter of Oliver Boteler, of Harold co. Beds. He was a Captain of the train-bands in 1664, and died in 1678. His remains were interred in the Abbey Church of Waltham. Justice Wollaston the father died in 1669-70, and his beloved wife died the following year. They were buried in the church. A fine marble bust of Henry Wollaston is still preserved in the church. Francis Wollaston, who died in 1684, and lies buried in the same church, was son of William Wollaston of Shenton Hall, and Sheriff of Leicester, a collateral branch of the first-mentioned Henry. William Wollaston, the great theological writer, author of "The Religion of Nature Delineated," descended from the same family. He was born at Cotton Clanford, in Staffordshire, March-26th, 1659; died October 29th, 1724.

THE WOLLASTON FAMILY OF WALTHAM ABBEY.

(Extracts from the Parish Register.)

" 1588. Henry Wolliston the son of Henry Wolliston of London buried, August 14.

1606-7. Thomas Wooleston & Margaret Colburne married, January 13.

[1607. Four persons married by Justice Wollaston.]

1612. Samwell Middillmas & Sara Woollarston, married Oct. 5.

1617. Henry Woolerstone gent married to Mst Ursula fox April 29.

1621. Edward Woolerstone son of Henry Woolerstone also to Ursula was baptized, June 27.

1622-3. Ann Wolleston daughter to hendri as also to Ursula his wife Bapt. Feb 27.

1625-6. Henry Wollerstone sonn of Henry as also Ursular Bapt. Feb. 23.

1628. Ursula Woolerstone daughter to Henry and Ursula Bapt. April 17.

1629. Thomas Wollenstone son of Henry & Ursula, Bapt. Sept. 18.

1630. Elizabeth Wollerstone daughter of Henry as also Ursula, Bapt. Dec. last day.

1632. Samuel Wooluerstone sonn of Mr. Henry & Ursula, Bapt. August 30.

1632. Thomas Woolerstone son to Mr. Henry Woolerstone, Buried Sept. 3.

1645. Memerrandum that the Banes of Matrimonie between Mr. Adam Edwards and Misteris Ann Woollaston ware three severall times published in our Parish Church of Waltham Abby without contradicktion and the last time of the publishing thereof was the 20 day of Aprill 1645 and they ware married one thursday the 24 of the same moneth.

1648. Mr. Rowland Berisford & Misteris Elizabeth Wollastone, married Nov. 23.

1653. Ed. Brown ye sonn of William Brown of the parish of Chigwell in Essex and Margret Nevel of Navestock in ye same county being asked in marriage three several Lords dayes in their respective parishes were married on the 9 of Nov. by Hen. Wolleston.

1655. Ursula daughter to Mr. Henry & Mrs. Ann Wollaston borne at Harehold in Bedfordshire, Birth. Sept. 27.

1656. The seacond child, but first sonn to Mr. Henry & Mrs. Ann Wollaston, Birth, July 25. [Henry Wollaston married several persons from Nov., 1653, to May, 1657. His name is appended to nearly every "contract of marriage" entered in the Register during that period.]

1658. Judith daughter to Henry & Ann Wollastone, buried, Sept. 7.

1660. Henry sonn of Mr. Henry & Mrs. Ann Wollaston, born April 1.

1660. Timothie Robinson servant to Henry Wollaston Esq., Buried August 23.

1662. Richard sonn to Captain Henry Wollaston & to Ann, Bapt. Dec. 19.

1665. Oliver sonn to Capt. Henry Wollaston, Bapt. April 30.

1665. Mr. Thorne Wills Ensign to Capt. Wollaston, Buried, May 14.

1666. Thomas sonn to Capt. Henry Wollaston, Bapt. Nov. 8.

1668. A son ye sixth of Capt. Wollaston, Buried Dec. 21.

1669. John Bolles servant to Justice Wollaston, Buried, May 18.

1669-70. Henry Wollaston senior Esq. Justice of ye peace and Quorum many years, buried in ye Church at the south-end of his own pew, Feb. 17.

1670. Mrs. Ursula Wollaston wid. Relict of Henry Esq. Buried ye 11 April.

1674. Richard son to Capt. Henry Wollaston & of Mrs. Ann buried in ye Church of St. Giles in ye fields Midd., March 28.

1678. Capt. Henry Wollaston buried in ye Church March 21st.

1684. Francis son of William Wollaston of Shenton in county of Leistershire & of Elizabeth his wife, she being ye only daughter & heir of Capt. Cave of Inglesbie in ye same county buried att ye south end of ye pew of Hen. Wollaston Esq. Dec. 6."

The Churchwardens' Accounts of Waltham Abbey :—

"1643-4. Rec^d. off Mr. Henry Woolaston Esq. w^{ch} he had of a man that was drunk according to the statute 5^s.

1645-6. Mem. Mr. Wollaston paies his monie wekely in bread w^{ch} is 1^s. p. week £2. 12. 0.

1651-2. Henry Wollaston Esq. gave £1 towards purchasing Buckets, ladders and firehooks for the parish." These firehooks were

kept in the old Market house, and used to pull off the thatch and tiles of buildings on fire."

Henry Wollaston's gift to the Parish of Waltham Abbey.

Henry Wollaston, the elder, of St. Martin Ogars, London, draper, by his last will and testament, dated November, 1616, gave as follows :—

" My will and mind is, and I do devise and appoint that my said son Henry, and his heirs shall yearly for ever pay towards the relief of the poor of the said parish of Waltham Holy Cross the sum of two and fifty shillings of lawful money of England, to the parson and Church-wardens then for the time being, for the poor, to be bestowed by twelve pence every Sunday in Bread. And I do will and devise that the said two and fifty shillings shall be issuing and paid out of my said lands, called FISHERS * alias Salmons ; and that the said lands shall be for ever chargeable with the payment thereof, to the poor of the said parish of Waltham."

SIR RICHARD WILLYS, BART. †

This gentleman married Alice, daughter of Dr. Thomas Foxe of Waltham Abbey, grandson of the martyrologist. Both Sir Richard Willys and his brother Sir Thomas were created baronets by King Charles I., the former in 1646, the latter in 1641. Sir Richard Willys was colonel of a regiment of horse under Charles I., Colonel-General of the counties of Lincoln, Nottingham, and Rutland, and Governor of the town and castle of Newark. He had an only son, Thomas Fox Willys, born at Waltham Abbey, on whose death in 1701, at the age of eighty-nine, the baronetcy conferred upon his father became extinct. Ann Fox Willys was baptized at Waltham, February 21, 1659-60. She married Christopher Davenport,

* Situate in Holyfield, in Waltham, now in the occupation of Mr. Green. It is the property of the Trustees of Fuller's Charity, London.

† The son of Richard Willys of Horningsey and Fen Ditton, co. Cambridge.

Esq., of New Inn, and had a daughter Elizabeth, born in 1701. Sir Richard Willys had a daughter born at Waltham, named Adeliza,—not Alice, as suggested by Burke. She was baptized April 9, 1663, and died unmarried. Sir Richard died in 1690, and was buried at Fen Ditton, in the county of Cambridgeshire. Of the family of Sir Thomas Willys there were six baronets, the last of whom died in 1732. William Willys of Hackney, to whom Strype was indebted for the use of John Foxe's MSS. (see *ante*), was a Hamburgh merchant, the youngest son of Sir Thomas Willys. He died in 1726. The Willys family seats were at Fen Ditton and Waltham Abbey.

The writer possesses a large parchment, endorsed—

“The assignment of Sir Richard Wyllys and dame Alice his wife Executrix of Mr. Thomas Fox her father, to John Curranie Esq. November the 26, 1664, of the lease of Mortgage from Mr. Phillip Dallow and Mr. Edward Dallow to the sayd Thomas Fox of the Manor of Bitchfield, &c., for 1500[£] payd to them by the sayd Mr. Curranie.”

This document has two fine red wax seals, with autograph of Sir Richard Willys, and Alice his wife. The family name occurs in the Parish Register of Waltham several times, viz.,—

“1567. Angnes Wylles the daughter of henry Wylles, Bapt. Maye 16.

1569. Henry Wylles the sonne of henry Wylles, Bapt. Apryll 22.

1576. John asskwe and Ione Willes married Janvary 22.

1659-60. Anne Fox daughter to Sir Richard and Lady Alice Willis, Bapt. Feb. 21.

1661. Thomas-Fox Willis son to Sir Richard Willis Knight and Baronet as also Dame Alice his wife borne June 30th.

1663. Adeliza daughter to S^r Rich. Willis & Dame Alice, Bapt. April 9.

1682. Henry Hucks servt to Sir Rich. Willis—Bur. July 31.

1798-9. John son of Richard Willis, Bapt. January 23.”

In 1668 Sir Richard Willys signs, with Henry Wollaston the elder and Henry Wollaston the younger, a petition to

King Charles II. for leave to collect money for the reparation of Waltham Abbey Church, which building was then expected "to fall to the ground." The privilege being granted by the monarch, the inhabitants of Waltham returned their sincere thanks to his Majesty. An entry to this effect occurs in the Churchwardens' Accounts, under date 1668 :—

"Waltham Holy Cross at a vestry then holden February 1668 upon publique notice given thereoff ye Lords day next before agreed and concluded then and there as follows—Imprimis, Most humble and heartie thanks wee render His gracious Majestie for granting a Collection by way of brief towards ye repair of our Parish Church &c. Richard Stevens, Edmond Goulding. Richard Willys, Hen. Wollaston Jun."

Bulstrode states that after the battle of Naseby, King Charles expressed a wish to promote Sir Richard Willys for his valuable services as Governor of Newark, but Sir Richard refused taking any higher position, as his means would not admit of it. The king, however, promised to furnish him with means according to his office, but failed to do so. The above writer remarks that—

"Sir Richard Willis appeared much troubled, and excused his taking the other command, as a place of too great honour, and that his fortune could not maintain him in that employment, and said his enemies would triumph in his removal. The king told him he would take care and provide for his support, and so went out of his chamber to church, and after his return, being at dinner, Prince Rupert, Prince Maurice, Lord Gerard, and Sir Richard Willis, with twenty officers of the garrison, came into the presence-chamber, where Sir Richard Willis addressed himself to the king, and told him it was the public talk of the town that he was disgraced, and turned out from his government, and Prince Rupert added, Sir Richard Willis was to be removed from his government, for no other fault but for being his friend. The Lord Gerard said it was a plot of the Lord Digby, who was a traitor, and he would prove him to be so. The king was so much surprised at these extravagant and insolent Discourses, that he rose from dinner in great disorder, and retiring into his bedchamber he called Sir Richard Willis to follow him, who answered loudly that he had

received a public injury, and expected a public satisfaction. This so provoked his Majesty, that with much greater indignation than ever he was seen possessed with, he commanded them to depart his presence, and to come no more into it; and this with such circumstances in his looks and gesture, as well as words, that they appeared no less confounded, and departed the room, ashamed of what they had done. Yet so soon as they came to the governor's house they sounded to horse, intending to be presently gone, but soon after they sent to the king for passes, who gave them such as they desired, and sent them, and declared Collonel Bellasis Governor of Newark, but forgot at the same time to have hanged up Sir Richard Willis for his insolent carriage towards his sovereign." *

* "Memoirs and Reflections upon the government of King Charles I. and II.," vol. i., p. 129.

DOMESTIC EVERY-DAY LIFE, AND MANNERS AND CUSTOMS IN THIS COUNTRY, FROM THE EARLIEST PERIOD TO THE END OF THE LAST CENTURY.

BY GEORGE HARRIS, ESQ., LL.D., F.S.A.,
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I.—THE ANCIENT BRITONS.

IN the series of papers on "Domestic Every-day Life, and Manners and Customs in the Ancient World," which I have had the pleasure of reading before this Society,* I endeavoured to afford an insight into the mode of living among the people of the nations of old, more especially the Egyptians, Greeks, Romans, and Jews, commencing with those of which we have the earliest authentic records, and carrying the account down to the period when Roman civilization arrived at the highest state of perfection which it ever reached. I described to you "the style of dress of the people, their cities and houses, the furniture which they used, their mode of taking their meals, their different kinds of amusements, their method of travelling both by land and water, their professional and commercial pursuits and occupations, their arts and manufactures, their way of carrying on war, their religious rites and ceremonies, and their funeral solemnities." In affording this account I availed myself of the records of various kinds which the people of these several nations have left behind them, including not only the productions of their historians, but the various national monuments which yet remain, the works of art that have been preserved, the relics of ornaments and articles of

* "Royal Historical Society Transactions," vol. ii., p. 393; vol. iii., p. 1; vol. iv. p. 364.

domestic use that have been discovered, and the relics of their cities and buildings which have survived the shocks of time.

In another series of corresponding papers I now propose to present to you a sketch of the domestic every-day life, and manners and customs of the people of this country, commencing with an account of the earliest known inhabitants of our island, and carrying the narrative down to the end of the last century. I shall describe to you their style of dress (when they used any), their cities and houses, the furniture which they possessed, their mode of taking their meals, their different kinds of amusements, the way in which they travelled both by land and water, their various professional and commercial pursuits and occupations, their arts and manufactures, the manner in which they carried on warfare, the sort of sports and amusements in which they indulged, their religious rites and ceremonies, and their funeral solemnities.

In another paper which I read before you on the "Materials for a Domestic History of England,"* I endeavoured to point out and enumerate, the various materials which we in this country possess, that are available for a history of the kind that I have alluded to, particularly as regards the records left us of past times in the regular histories that have been transmitted to us, the numerous historical monuments yet remaining, the chronicles of different periods which have been preserved, the various works of art belonging to different ages which still exist, the several authentic records and legal instruments that have been handed down,—many of them most valuable for this purpose; also household regulations, and inventories and books of account, which are often extremely serviceable in this way. The records of the Legislature and of the courts of justice, which show the sort of laws that were found necessary at different periods, and the trials that took place, also throw much light on the domestic history of the period. Public journals, when they existed and have been preserved, are also of the highest value in this respect, as is the

* "Royal Historical Society Transactions," vol. ii., p. 142.

private correspondence which was carried on, and in which is frequently recorded much that is valuable to throw light on every-day life at particular times and in particular parts of the country.

The researches that have during the last few years been made by the Commission appointed by the Crown for inquiry into, and bringing to light, the various manuscripts and documents of historical value existing in this country—many of which have hitherto been lying useless, and were rotting away in obscurity—have opened a vast mine of wealth as regards the information that they afford respecting our domestic history in ages bygone, and of which I hope to avail myself in the papers that I am about to present to you.

As in the case of the papers which I read to you on domestic every-day life in the ancient world, I propose to illustrate each one with a series of diagrams,* intended to afford an idea of some of the principal objects described. These pictures are obtained from very different sources. Some of them, as in the case of the representation of the group of Ancient Britons and of their dwellings, which you see before you this evening, are mainly derived from descriptions left to us by historians of the time, who actually saw them. The pictures of Druidical and other monuments are copied from these objects themselves. Ancient missals, which go back as far as the Anglo-Saxon times, contain several very graphic, though somewhat rude, representations of the people of that period, and serve well to exhibit the style of dress, and their manner of life. Several of the diagrams are copied from these works, and others from missals of a later date, which afford on the whole the most accurate, effective, and faithful representations of every-day life in those days anywhere to be met with. Ancient buildings of different descriptions, and ancient armour, and domestic utensils of various kinds, have also afforded materials for other illustrations, as have ancient prints and

* Dr. Harris has deposited in the Society's archives a series of diagrams, illustrative both of the present paper and of his previous communications on kindred subjects.—ED.

pictures of the ordinary kind. Several of the diagrams are copied from sketches which I made on the Continent, of objects which serve to throw light on the domestic history of the period, which was in many respects much the same in one country that it was in another, all being nearly on a level in point of civilization.

Although, from the mixture of different races, I do not think it of much importance to endeavour to trace back the generation of particular families so as to ascertain whether we have ancient British, Anglo-Saxon, Danish, or Norman blood flowing in our veins; yet there is another kind of investigation, which is both very interesting and very instructive to pursue, somewhat allied to this, and which is the tracing out of the development of peculiar national characteristics thus early exhibited, and the origin of the various civil institutions whose foundation was laid in these primitive times.* Characteristic traits are early displayed in the history of each nation, analogous to what is the case with regard to individual men. Thus the courage, the generosity, the independence, the spirit, and the ingenuity which were exhibited by our rude forefathers, may have constituted the germ of the nobler, or rather more perfect and cultivated qualities of the same kind which at this day distinguish the inhabitants of this country. The same spirit of commercial enterprise which animates us now, was also a marked feature in the character of the Ancient Britons; and the habit of travelling about, and of wandering abroad to explore new countries, so characteristic of Englishmen, we may have derived from the predatory Saxons and Danes, whose blood is mingled with that of our ancestors the Britons. In many nations—I might particularly instance the Jews, in whose national character there are very marked features—it is curious and interesting to trace to how large an extent the future character of the nation accords with what it developed at the commencement of its career. †

* "Civilization considered as a Science," &c. Essence, p. 30 (Bohn's Library Edition.)

† *Ibid.*, p. 29.

As regards the civil institutions of this country, many of those which are not only now in use, but which are the most highly prized, had not merely their type in the early period of which I am about to speak, but the germ of these institutions was then fully developed. I may especially refer to that boasted institution, so conducive to the liberty of this country, and which sprung from that love of freedom so peculiarly characteristic of the people of this land, "trial by jury." The holding of free parliaments was an institution of our Saxon ancestors, and even the mode of conveying property, and the principles for its regulation, were very similar to those now recognised, and formed indeed their basis. It is especially interesting to observe the care taken in these rude times to promote the investigation of truth in their proceedings, the anxiety with which it was sought out, and the skill and caution which they exercised in guarding against any infringement on their liberties.

We may, indeed, not unreasonably hope that the ultimate result of the mixture of different races of people may have been in many respects to correct the characteristic defects, and to develop the characteristic virtues peculiar to each ; and that the rivalry of different institutions borrowed from various nations would, in a corresponding manner, tend to advance and perfect each other.

We nevertheless may be, and I think ought to feel grateful that we were not born in the age that I shall attempt to describe. And I believe that you will all agree with me that we are far better off as we are than if we had chanced to be one of those ancestors. "St. Martin's" and "St. Giles's" were then really "in the fields," or more probably in the woods. Where we are now assembled might have been the haunt of some wolf or other ferocious animal. What London itself then was, I may, perhaps, in a future paper, attempt to describe to you ; something very different from what it now is, or from any other town or village at present existing in this country.

It is not always that we are able to collect authentic

information respecting these early times. There were then neither books nor newspapers to tell us anything about them; and if there had been any, there was probably nobody in this country who could read them. Printing, indeed, was not invented until long after the period of which I am going to speak. What books there were, were written only; but none of them came to this country, where, of course, they could be of no use. In our day, the newspapers alone may serve for materials to the future historian of the manners and customs of these times, and present an accurate diary of the every-day life of the nation.

I shall try to carry your minds back to a period of from some 1,800 to 1,000 years before that in which we are now living; and we must endeavour to imagine that for the hour we are existing in those times, in all respects so entirely differing from our own.

It appears to me, from a survey of the different authorities and arguments on the subject, that the most probable and satisfactory conclusion at which we can arrive is, that the original population of this island was derived from the Gauls, or inhabitants of France, some of whom migrated hither. Certain romantic historians have, indeed, claimed for our primitive forefathers the high honour of being descended from the Trojans, a colony of whom is said to have been brought hither by a great-grandson of Æneas, after the fall of Troy. It is further asserted that the Trojans, to their astonishment no doubt, and possibly also to their regret, found Britain inhabited by a race of giants, ruled over by a king who rejoiced in the high-sounding name of Gogmagog. Another writer says that a school was established for instructing the giants in the arts and sciences.* But the Gaulish origin of the race, though perhaps the least romantic, is at any rate the most probable.† The word Britain is supposed to have been derived from some Celtic words meaning painted people.‡

* "Pictorial History of England," vol. i., p. 118.

† *Ibid.*, pp. 8, 9.

‡ *Ibid.*, p. 11.

The earliest authentic account which we obtain of this country and of its inhabitants was, however, afforded to us by the Romans in the time of Cæsar, who invaded Britain about fifty-five years before the commencement of the Christian era. He wrote a book containing a description of all that he saw, and much of what I have to tell you is derived from that very interesting work.

Cæsar observed of the Britons, "The number of the people is countless, and their buildings are exceedingly numerous; the number of cattle is great. . . . They do not regard it lawful to eat the hare, the cock, or the goose. They, however, breed them for amusement and pleasure."*

According to Cæsar, the people who lived in Kent were the most civilized among the ancient Britons, and most resembled the Gauls, or inhabitants of France, with whom we may suppose they had frequent intercourse.

Cæsar says of the people then inhabiting this country, that "most of the inland inhabitants do not sow corn, but live on milk and flesh, and are clothed with skins. All the Britons, indeed, dye themselves with wood, which occasions a bluish colour, and thereby they have a more terrible appearance in fights. They wear their hair long, and have every part of their body shaved except their head and upper lip. Ten, and even twelve have wives common to them, and particularly brothers among brothers, and parents among their children. But if there be any issue by those wives, they are reputed to be the children of those by whom respectively each was first espoused when a virgin."†

When Cæsar invaded this country he is supposed to have sailed with his fleet from a place now called Ouessant, on the coast of France, nearly opposite Deal, where it is probable that he landed. Ouessant is about halfway between Calais and Boulogne. I have a rough view of it etched on copper from a sketch which I made on the spot some years ago. The remains of the harbour in which Cæsar's fleet rode before

* Commentaries, book v., chap. xii.

† *Ibid.*, book v., chap. xiv.

sailing for England are still to be seen, though it is now almost choked up with sand. On an eminence above the village is an ancient encampment, of which you see the outline, and which is thought by some to have been made by Cæsar, and was probably at all events used by him and his soldiers before they went on board the fleet. You obtain a view of the English coast in the distance, and just perceive the white cliffs above Dover and Deal.

Beyond Ouessant, in the direction towards Boulogne, which is about eight miles to the south, you observe a long promontory or headland stretching into the sea. It is to this point that the tunnel under the sea is proposed to be carried from Dover, which lies in the opening between the two cliffs on the English coast to the north. Ouessant was for many years the port from which vessels sailed for England before Calais was resorted to. I should imagine that Ouessant was given up when large vessels began to be in use, as the sea is very shallow near the coast here, and so ships started from Calais instead.

If we could fancy ourselves in a boat on the sea, approaching our island at this period, we should observe the country covered with thick woods, reaching down in many places to the coast. The oaks especially are very fine, of great age, and some of them most majestic in their appearance. Here and there glades of grass appear, in parts of luxuriant green; in other parts the herbage is long, and rank, and withered. Winding avenues or paths are seen among the trees, but are almost darkened in some parts, owing to the thickness of the foliage.

Let us land and explore this interesting country. But who are those gliding between the trees? They have now come out into the open space, and are looking about them, although luckily they do not see us. They are more like demons than human creatures; and, indeed, it has long been supposed that Britain is haunted by such beings. These people are the inhabitants of the island. They are of huge size, have very little clothing, and what they have consists of the skins of wild beasts

not more ferocious than themselves. The women sew these skins together with leathern thongs, or fibres of vegetables, and bone needles. The skin of a brindled ox fastened with thorns was a favourite, I may say a fashionable dress, among the ladies of this period.*

They wore also a necklace of beads, and entwined wild flowers in their long twisted hair. Blue eyes were common among this people, and their expression was generally wild and fierce.

In the diagram before you, you have a representation of a group of them emerging from a wood, armed with formidable weapons, their shields made of wicker-work. They live in independent tribes, and do not offer a very hospitable reception to those who land on their shores ; but who, as they come uninvited, have no right to be treated as welcome guests. They are generally tall and well made. The hair of most of them inclines to red or yellow, and is usually turned back upon the crown of the head, and falls down in bushy curls behind. Long hair in those days was considered a mark of dignity. Kings and nobles were accustomed to allow of its growth, while persons of inferior rank were closely clipped.† Men of rank, however, shaved the chin, but wore immense tangled moustachios. On their persons the ancient Britons wore bracelets, rings, and other ornaments of gold, silver, brass, or iron, according to the rank or means of the wearer.‡

The women and children were very fair. While travelling in Brittany I have been much struck by the fair complexion and beautiful oval faces of some of the youths among the peasantry of that people, who are the genuine descendants of the ancient Britons, who migrated there in shoals on the invasion of this country by the Saxons, and who have not that mixture of Saxon, Danish, and Norman blood possessed

* Thompson's "Illustrations of Great Britain," vol. ii., p. 233.

† Sir F. Palgrave's "History of the Anglo-Saxons," p. 58 ; "Pictorial History of England," vol. i., p. 128.

‡ *Ibid.*

by ourselves. Some of the ancient Britons are said frequently to have lived to 120 years. This length of days was supposed to be owing to the sobriety and temperance as much as, or more than, to the salubrity of the climate. In this respect I fear that this country has rather retrograded instead of advanced in civilization since the time of our rude and savage ancestors. The use of clothes was at this period scarcely known in the island, so that to all the diseases caused by tight lacing, and other modern though not less barbarous usages of this sort, they were utter strangers. Only the inhabitants of the southern coasts wore any clothes at all ; but this portion of the community were so far in advance of the rest of the country in civilization, that they covered themselves in a rude fashion with the skins of wild beasts killed in the chase. And this we are assured that they did, not because they required to protect themselves against the cold, but because they wished to avoid giving offence to foreigners who came here to traffic with them—the earliest instance on record of the national politeness. In order to ornament their persons and add to their natural charms, they used to make incisions in their bodies in the shape of flowers, trees, and animals, as also of the sun, moon, and stars, which, with the juice of wood, they painted of a sky colour that never wore out.* Thus early did a taste for pictorial art display itself among us.

But having landed on the coast, let us explore this strange wild country, and see if we can contrive to make out something more about its character and its inhabitants. We will follow this winding path into the thick wood. The road is very rough, huge pieces of rock here and there interrupt our progress; and as we descend into a valley, an extensive marsh or morass has to be crossed, and a whole flock of wild-fowl are disturbed by our presence. A stag occasionally bounds across the path before us, and through an opening in the forest we see a herd of deer feeding in a green spot at a distance. Sturdy trunks of oak guard the path on each side

* "Pictorial History of England," vol. i., p. 129.

of us, and overhead the boughs and leaves are so thick as sometimes almost to resemble a vaulted roof. A wolf is howling in the plain, and yonder an immense eagle is hovering over some object of prey. At the termination of the glade which we have been following, there appears to be an open space where the trees have been cleared away. A number of small buildings, which we at first take for pigsties, are clustered here, round in form, with pointed roofs. Of this you have a representation in another diagram. This is an ancient British village. Our rude forefathers lived in the woods, in huts of this form, roofed with straw or osiers, some covered with the skins of wild beasts, others with boughs or turf. Several they plastered over with clay, and whitewashed them with a mixture prepared from chalk.* The houses of the Britons at the period of the Roman invasion were numerous on the southern coast, and were constructed of wood and covered with straw. Some of them were made of poles and wattled work, in the form of a circle, with high tapering or pointed roofs. They had usually one or more lofty arched entrances, and the pictures of them were not unlike the tin canisters used by grocers. Each hut measured from about ten to twenty feet in diameter.† There is no appearance of either chimneys or windows, but a fire was made upon the floor, for which the woods of course supplied abundant fuel. To the right of the diagram containing the group of figures, will be observed a representation of an ancient British hut on a larger scale than those in the other. The original building, indeed, whence the picture was taken, was in reality no other than a pigsty, and that in Wales. If, however, it be thought derogatory to our ancestors to suppose that they lived in pigsties, I must in justice to them explain that it was not they who lived in pigsties, but the pigs who were born in a later age lived in the houses which the people abandoned as soon as they got better and larger dwellings. At the present day, however, as I can state from experience,

* Thompson's "Illustrations of Great Britain," vol. ii., p. 80.

† "Pictorial History of England," vol. i., pp. 98, 99.

having seen it with my own eyes, both in Wales and in Ireland, the pigs very often live in the same houses with their masters, and more than this, eat out of the same vessels that the family do, and in which the poor pigs themselves will some day or other be served up at table. In one of the pictures of a habitation of this form, copied in the group of huts in the diagrams representing a view of the country in the ancient times, there is a low semicircular wall in front of the building. This may, however, very possibly not have been erected when the people our ancestors lived there, but only have been added afterwards, from a consideration of the wandering propensities of the pig who succeeded to the tenancy.

The next diagram represents another form of house occasionally in use among the ancient Britons, and which is supposed to have been derived from the Gauls who lived in France. It is larger and more commodious than the others, being two stories high; but it is only of wood, and the roof is thatched. The gentleman in front of it, who appears to be labouring under some excitement, seems from his costume to be a Romanized Briton; that is, a Briton who lived in this country after its conquest by the Romans, and who adopted their more civilized mode of dress.

If we can suppose ourselves to be now peeping inside one of these huts, we shall observe that some of the seats placed there rather resemble our modern chairs, while others are composed only of a block of wood. On looking round the room, we perceive the arms of the family ranged along the wall. There are, however, no beds to be seen, and on inquiry we are told that the family sleep on the floor, and use shaggy skins for their bedding.* The inhabitants of these not very luxurious dwellings had, however, one advantage over us of the present civilized age. They very easily changed their quarters, without giving any notice to quit, whenever they wished to leave; being generally instigated to take this step either by the hopes of plunder, or the fear of being

* "Pictorial History of England," vol. i., p. 125.

attacked by an enemy. The furniture which they had to move was not very extensive or very cumbrous ; and probably the whole of the wardrobe, including that of the ladies also, was easily carried on the husband's back, as were the children too.

The domestic cattle were kept in enclosures near the village, to protect them from the wolves. The ancient Britons eat meat which they obtained principally by hunting. Some have supposed that they ate this raw. Both the woods and the plains were well stocked with game ; and there were neither preserves nor game laws to interfere with their sport. Roots and leaves found in the woods they also eat, and they made curds of milk. With regard to domestic poultry, as already observed, their religion forbade them to eat of either chickens or geese. Hares were also forbidden. Fish, too, they never used to eat, although their seas and rivers abounded with them.

Those of the ancient Britons who lived in the north of the island, were the rudest in their modes of life, and were the most deficient in general information, probably from having less intercourse with strangers than those in the south. The former never sowed their land, but lived upon the produce of their flocks, and the spoils of the chase. The boundaries of the different lands and pasturage of the ancient Britons were marked out by large, upright, single stones, numbers of which are still to be found in some parts of the country, and are called hare stones. Of gardening it is supposed that many of the ancient Britons were entirely ignorant. The Normans, indeed, it is believed, first taught the Britons the art of gardening, and also how to plant orchards.

The British towns, or rather villages of this period, were very unlike any at present in this country, consisting only of a confused parcel of huts placed at a little distance from each other, without any order or distinction of streets, as you see in the diagram. They generally, as in the drawing before us, stood in the middle of a thick wood or marsh, approached by a labyrinth, the avenues of which were defended by slight

ramparts of earth,* or by the trees which were felled to clear the ground. The Britons had no notion of joining their houses in streets, each being built at some distance from the other, and generally on the banks of a river in order to obtain water, or in woods that supplied forage for their cattle. The most convenient place was taken by the prince, the dwellings of his subjects and the stalls for their herds being erected round him, whilst a ditch and a mound of earth enclosed the whole.† The latter was made of mud or felled trees, or probably of both materials mixed. Cæsar highly complimented the Britons on the skill which they displayed in the fortification of many of their towns. Indeed, these rude people were remarked to be not only very quick in apprehension, but to possess also considerable penetration.

Among the Gauls who lived in France, and many of whose habits closely corresponded with those of the ancient Britons, Cæsar tells us that husbands had the power of life and death over their wives and children. At the death of a nobleman, if there was any suspicion against his wives, they were put to the torture as slaves. If they were thought guilty, after cruel torments they were burnt to death.

The courage of the ancient Britons is said to have been very great, and astonished even the mighty Cæsar himself; who tells us that they fought for the most part in chariots made, some of wood, others of wicker work with wooden wheels, and which were armed with a sort of scythe projecting from the side, and whence, furiously driving among their enemies, they hurled their darts. You may see a representation of a British war chariot in another diagram. The following is Cæsar's account of the manner in which the ancient Britons, our valiant ancestors, carried on warfare in their chariots, as taken *verbatim* from his description of them:—

“Their mode of fighting with their chariots is this :—Firstly,

* “Pictorial History of England,” vol. i, p. 33.

† Thompson's “Illustrations of Great Britain,” vol. ii., p. 81.

they drive about in all directions, and throw their weapons, and generally break the ranks of the enemy with the very dread of their horses and the noise of their wheels ; and when they have worked themselves in between the troops of horse, leap from their chariots and engage on foot. The charioteers in the meantime withdraw some little distance from the battle, and so place themselves with the chariots that, if their masters are overpowered by the number of the enemy, they may have a ready retreat to their own troops. Thus they display in battle the speed of horse, together with the firmness of infantry ; and by daily practice and exercise attain to such expertness that they are accustomed, even on a declining and steep place, to slack their horses at full speed, and manage and turn them in an instant, and run along the pole, and stand on the yoke, and thence betake themselves with the greatest celerity to their chariots again."* In the drawing last alluded to will be also observed some devices and shields of wicker-work in use among the ancient Britons. Representations of rings and drinking vessels will be seen as well, as also of axe-heads, and the rings of bronze, gold, silver, and iron, which passed current for money. Specimens of this coin have been occasionally dug up. Sometimes, as you will perceive in the diagram, the form is that of a complete ring, in other instances that of a wire or bar merely bent till the two extremities are brought near to each other. In some cases the extremities are armed with flattened knobs, in others they are rounded out into cup-like hollows. It is to be observed that in the ancient fresco paintings in the tombs of Egypt, coins of this description are represented as in use. Other British coins were stamped with figures of oxen, horses, hogs, and sheep, and sometimes a head on the reverse side. It has been conjectured that particular coins served to purchase the particular animals whose effigies they bore.† Indeed, cattle were first of all used as the commodities for effecting exchanges, hence, in Latin, the words *pecus*

* Commentaries, book IV., chap. xxxiii.

† "Pictorial History of England," vol. i., pp. 110, 111, 114.

and *pecunia*, cattle and money, are very nearly the same. The swords and dirks of the ancient Britons were probably made of copper, occasionally mixed with a little tin to prevent them from bending. Heavy black stones, in which a handle was made to fit, served them for maces and battle-axes.* When the ancient Britons had to deal with foes on horseback, they left their chariots to fight on foot. It is recorded by one historian that the object which caused the greatest terror to the Britons during Cæsar's invasion, and to which he mainly owed his success, was the sight of an elephant armed with scales of polished steel, and carrying on his back a turret filled with armed men.

Some very wise persons have tried to make us believe, owing to the occurrence in Cæsar's Commentaries of the words *positis speculis*, in reference to his invasion of Britain, that the Romans actually brought telescopes with them in order that they might have a look at our primitive forefathers before they engaged with them in close combat. But the real meaning of the words, no doubt, is that they placed sentinels to be on the look-out.† Cæsar tells us, in his Commentaries, that the Britons were getting in their corn harvest when he landed with his legions; and that an attempt being made by the invaders to carry off the corn, a desperate battle ensued.

The diagram already alluded to, as containing a representation of an ancient British village, is intended to represent a scene such as might have been afforded in this country at the period of which I am now speaking. Vast forests, principally of oak, some of these trees of great age, were then spread over the land. These immense woods were, however, not merely the abode and the place of refuge of wolves, and bears, and deer, and other wild animals, but all those persons who had committed any great crime fled to them for protection, and as a place where no one dared to follow them. And there those desperate characters lived by robbing travellers, and all who

* "Pictorial History of England," vol. i., p. 36.

† Selden's "Table-Talk," p. 103.

afforded any prospect of plunder. Even persons who had once possessed vast estates, but who had forfeited them for some offence against the Government, occasionally took to the forest as their residence.*

In the foreground of the diagram, you will observe a cromlech, being a flat stone supported in a horizontal position upon others set perpendicularly in the earth, which formed an altar on which the Druidical sacrifices were offered up, and on which the sacred fire kept burning. The name "cromlech" is said to signify a stone for bowing to or worshipping. In the valley a large pool of water stands half choked up with weeds, but which has since been drained, and now forms fertile meadow land, with a river winding through it. A Druidical temple may be observed on the edge of the pool; and on the hill beyond it, which is covered with dense wood except the summit, are three large wicker figures, in which the people congregated around them are about to burn their victims in sacrifice. One of these idols is beginning to blaze.

We may calculate to some extent how very different would be the general aspect of this country at that period, at any given point, from what it now presents as regards its leading landscape features. That mildness, and richness, and appearance of fertility, which are so characteristic of English scenery in the present day, were not then exhibited; but, on the contrary, all was wild, and rugged, and without cultivation. There were then no enclosures as at present, which certainly, however, do not contribute to the beauty of a landscape; and the gently sloping hills which are now streaked with hedges, and covered with verdure or plots of corn, would then be clothed for the most part in dense woods. The valleys, through which gentle rivers are now winding, were then most of them swamps or morasses, the haunts of numerous wild-fowl, which took shelter and made their nests among the reeds and osiers, and at times filled the air with their cries; while the forests abounded with deer and other animals of the chase, and also with foxes and wolves, and even bears. Per-

* "Companion to Charnwood Fort," page 1.

haps the fairest and most agreeable notion of the scenery presented in this country at the time of which I am now speaking, is afforded by some of the wildest spots in the forests and chases and parks here and there still to be met with, where the venerable and wide-spreading oaks have been allowed to arrive at their full maturity and majesty, and the woods possess all the richness and luxuriance which they exhibit in a state of nature, with the fern, and heather, and wild flowers springing up around ; while rocky streams flow in their course through the landscape, and herds of deer wander as in a state of nature over the vast tracts of green turf, unrestrained by enclosures, and as though the hand of man had never interfered to alter the original character of the country.

I will also venture an opinion that the best representatives at the present day of our early British forefathers, are the North American Indians, who doubtless very much resemble them in their mode of life and the costume which they assume, as also in their wild predatory habits, and their pursuit and manner of living upon different animals of the chase. The rude country, too, which they inhabit, greatly resembles that of England at the time of which I am speaking ; and the dense and wide-spread forests through which they roam correspond closely with those which covered the face of this country during the period of the ancient Britons. The temperature and the climate, and also the natural productions of the country, in both cases much resemble each other ; and their condition in civilization being about upon a par, the resemblance between the two races is drawn still nearer together.

In the times of the ancient Britons but few cattle were to be seen in the pastures, as the greater portion of those kept for domestic use would be in the enclosures near the villages, where they could be protected from the attacks of wild beasts.

With respect to the different trades and handiworks in which our primitive forefathers the ancient Britons excelled,

that of basket-making, or wicker-work, has been particularly alluded to by some of the ancient writers. They also used wicker-work in the construction of their smaller boats. Their shields, too, were constructed of wicker-work, as I have already told you ; and so greatly did they excel in this manufacture, that their baskets were carried to Rome, and considered to be great curiosities.

The ancient Britons appear also to have possessed some skill in the manufacture of earthenware articles. Funeral urns, drinking cups, most frequently found with skeletons, and placed at the head and feet, and incense cups, which are supposed to have been suspended over the funeral pile, have been discovered among the ancient British remains. They also possessed some knowledge of the art of working in metals ; and moulds for spear, arrow, and axe heads have been frequently discovered. With the art of dyeing cloth they were also familiar.

The southern part of this island was, according to tradition, in the British times crossed in various directions by four great highways, many parts of which are still to be traced, and are known by the names of the Fosse, the Watling Street, Ermine Street, and the Ichenild.* At any rate, lines of communication in these several directions were made by the Britons ; but it was probably by the Romans that they were transformed into regular and firm roads, as they were also by them levelled, straightened, and paved, so as to adapt them not only for the ordinary purposes of pedestrian and carriage communication, but also for the movement of large bodies of infantry and cavalry in all weathers and in all seasons.† The distances from station to station along the Roman roads were marked in Roman miles, and they were indicated on the actual road by milestones regularly placed along the line. Of these, the famous London Stone, still to be seen against the south wall of St. Swithin's Church, in Cannon Street, is supposed to have been the first, or that from which the others

* "Pictorial History of England," vol. i., p. 109.

Ibid.

were numbered along the principal roads, which appear to have proceeded from this point as from a centre.*

When the Romans obtained possession of this island they compelled the natives to work in clearing away the roads and draining the marshes, as also in the construction or completion of the roads. This occupation was found too fatiguing for the Roman soldiers, and we are told that as many as 50,000 of them died in consequence. Criminals, too, were employed in labour of this kind, as also in the mines. Artificial canals as well as roads are supposed to have been constructed in this country by the Romans.

Money of a certain description, and a very rude character, appears to have been in use among the ancient Britons. At first they seem to have used pieces of bronze or iron of a certain fixed weight. Afterwards these coins were, as already mentioned, stamped with the figures of horses, oxen, hogs, and sheep; and some had a head, apparently that of a king, on the other side. In course of time, however, as we have seen, gold and silver were introduced as current money. The commercial dealings of our primitive ancestors were not, however, at the time of which we speak, very extensive or very complicated. Probably, like the coin itself, they were rude and simple; and if they enjoyed but few of the comforts of civilized life, we have the satisfaction of reflecting that, on the other hand, they escaped most of its cares.

Some of the early inhabitants of this island appear, however, to have carried on an extensive traffic with foreigners. And it has even been conjectured that Britain was visited on account of its mines by merchants from Tyre and Sidon. Tin, which was very early discovered in Cornwall, is supposed to have been used in dyeing cloth for which Tyre was particularly famous. It was also said that the people of the Land's End, in Cornwall, were much more civilized than the rest of their countrymen on account of their frequent intercourse with foreign traders. Gold, silver, and iron, and also corn,

* "Pictorial History of England," vol. i., p. 110.

cattle, and skins, are described among the articles early exported from this country.*

The British dogs were very famous, alike for their size, courage, strength, fleetness, and scent. Slaves were also obtained from Britain as they now are from Africa. British horses were highly esteemed by the Romans both for their beauty and their training. Pearls, too, were very early produced in Britain, the colour of which is, however, said to have been dusky and livid; but this has been attributed to the unskilfulness of the gatherers, who did not take the fish alive from the rocks, but merely collected them as the sea threw them up when they were dead. These pearls very early acquired celebrity, and it has even been reported that Julius Cæsar was mainly led to invade this island from the hope of enriching himself with its pearls. He was probably aware also of the lead and tin with which the mines of this country abounded.† British oysters as well as British pearls were much prized by the Romans.

After the Romans had established themselves in Britain, it is probable that the commerce with this country was much extended, and that the Roman ships, which were larger and more commodious than the British, were employed for this purpose. The Roman coinage became also current in this country, and accordingly numbers of Roman coins are continually discovered even at this day. Gardening is said to have been introduced into this country by the Romans, as also the cultivation of the vine. The Romans, moreover, paid great attention to the working of the mines, and brought additional skill and labour to be so employed. The Roman conquerors of this island did much in many other respects for its improvement and civilization. They introduced many wholesome laws and customs, taught the natives the conveniences of life, and instructed them in art, literature, and

* "Pictorial History of England," vol. i., chap. 4.

† *Ibid.*, vol. i., pp. 26, 106.

‡ *Ibid.*, vol. i., pp. 114, 117.

science. Indeed, the country assumed a new face under the Romans, and looked as if the light of a new and brighter day had been let in upon it. Cultivation of the land was improved and extended. Forests were cleared away, and with this the beasts of prey which inhabited them were hunted down. Roads to different parts of the country were constructed, and in the place of the rude piles of huts, houses and towns were erected in various parts of the kingdom.* The Romans retained their sway in this country for nearly 400 years.

Many of the cities built by the Romans in this country have since been wasted and become desolate. Silchester is one of these. Corn-fields and pastures cover the spot once adorned with public and private buildings, which are now wholly destroyed.†

It has been remarked that there is no reason to suppose that, but for the subjugation of this country by the arms of Rome, the ancient Britons would have attained a condition much superior to that of their contemporaries inhabiting the forests of Germany or Scandinavia.

Some of the generals sent over from Rome to govern this country assumed the title of Emperors of Britain,‡ which has been held by several of its sovereigns, and is in reality older than that of the title of king. § Like some modern emperors, however, these ancient rulers of ours do not appear to have held their sway by a very firm tenure. On Cæsar complaining of a king of Gaul whose sovereign acts did not quite satisfy the Roman emperor, the king in question justified himself by asserting that it was not he who ruled his

* "Pictorial History of England," vol. i., p. 137.

† Palgrave's "History of the Anglo-Saxons."

‡ "Pictorial History of England," vol. i., pp. 53, 55, 144, 173.

§ These lines were written and this paper was read some weeks before the debate in Parliament occurred on the subject of her Majesty assuming the title of Empress of India, during which objection was taken to the title of empress as a novelty, and altogether unknown to this country, and as "un-English."

subjects, but his subjects who ruled him,* and that he had to obey them instead of their obeying him. Probably the case of this monarch was not a very rare one.

When Cæsar invaded this country he found the general intellectual instruction of the nation carried on by an order of persons called Druids, who constituted a body of national functionaries entrusted with the superintendence over all the departments of learning. They were not merely their theologians and priests, but also their lawyers, who administered justice and inflicted punishment ; their teachers of youth, their moral and natural philosophers, their astronomers, their mathematicians, their architects, their musicians, their poets, and probably also their only historians.† The Druids are said, indeed, to have been acquainted with the magnet and the compass.‡ They also instructed their scholars respecting the heavenly bodies and their motions. Cæsar remarked that the institution of Druidism was supposed to come originally from Britain, whence it passed into Gaul. It is believed, indeed, that there were Druids remarkable for their learning before the time of Pythagoras, who died about 497 years before the Christian era. And it is asserted that even this faith had once purity in its principles and the true God for its author, since it must have first been derived from Gomer, the eldest son of Japheth, and grandson of Noah, who is said to be the ancestor of the Gauls, Britons, and all the Celtic nations.§

There were also Druidesses, or female Druids, who professed to work miracles, predict prophecies, cure diseases, and raise storms. They moreover pretended to convert themselves into different kinds of animals. They had white hair, and like the Druids wore a sort of official costume on all public occasions.

The Druids always communicated their instructions by word

* "Pictorial History of England," vol. i., p. 82.

† *Ibid.*, vol. i., pp. 59, 119.

‡ Thompson's "Illustrations of Great Britain," vol. ii., p. 230.

§ *Ibid.*, vol. i. p. 23.

of mouth, though Cæsar says that they were acquainted with letters, and used them on all common occasions. One division of their body was called bards, who celebrated in verse the praises of the gods and heroes of the nation. Of this order of men I shall presently speak more particularly. The Druids ascribed important healing virtues to many herbs; but they held that everything depended upon the ceremonial with which they were gathered, the regulations respecting which were very minute.

Cæsar in his Commentaries, * from which I have several times quoted, has left us an account of the superstitious rites and religious sacrifices performed by the Druids. At these sacrifices, one authority tells us, they were so strict in observing silence, that such as were found talking during the ceremony after being three times warned had part of their robes cut off, and were afterwards proceeded against with the greatest rigour; such as came last were cut to pieces. To be forbidden to come to these sacrifices was the severest punishment known to the Gauls, and such persons could neither have recourse to the law for justice, nor hold any public office.† Human victims were sometimes crucified in the sacred groves. They were also offered up by the Druids in order to appease the supposed anger of their deities.‡ Figures of straw and of wicker-work of immense size, which have already been alluded to, were constructed, which, being filled with living men, were set fire to. Persons guilty of theft, robbery, or other crimes, were thus punished, by which it was supposed an atonement was made. Cattle as well as men were sometimes thus roasted together alive.

The oak was the tree which was principally venerated by the Druids, and they chose groves of oak for their residence, and performed no sacred rites without the leaf of that tree.§ Indeed, the Supreme Being was worshipped by them under the

* Book VI., chap. xvi.

† Thompson's "Illustrations of Great Britain," vol. i., p. 18.

‡ "Pictorial History of England," vol. i., p. 63.

§ *Ibid.*, p. 61.

form of an oak. The Druids were accustomed to fix upon the finest tree they could discover, and having cut off its side branches, they joined two of them to the highest part of the trunk, so that they extended like the arms of a man.* The youths of noble families thronged to them for instruction in the depths of the forests or in gloomy caves. Little more than a century ago ancient oaks were still standing around some of the circles of stones set upright in the earth, which are supposed to have been Druidical temples.† In the centre of these was a flat stone, still called a cromlech, which was used as an altar. Of such there are several remains in different parts of the country. The oaks were very thickly planted, and were watered by a dark stream or fountain, which was held sacred.‡

There are also a great many remains of Druidical temples in England, and in Brittany in France, where Druidism at one time prevailed. The most remarkable and extensive Druidical temple in England is that of Stonehenge, near Salisbury, of which you have a representation in the diagram. This building consists, as you will perceive, of a number of very large oblong stones placed upright, with others of the same size laid across them. The building itself was of a circular form. In one drawing of it, supposed to represent it in its early state, the stones appear all of them quite smooth, and the building itself is perfectly regular. The stones now, however, are very rough, and the building, from several of the stones having been taken away, is quite irregular. Indeed, its originally circular form would at present hardly be perceived.

The next of the diagrams represents Stonehenge as it appeared when a grand religious festival, accompanied by a sacrifice of human beings, was being celebrated there at the time to which I have alluded. The figures of wicker-work are blazing away with the victims. A long procession of priests

* Thompson's "Illustrations of Great Britain," vol. i. p. 12.

† *Ibid.*, p. 61.

‡ *Ibid.*, p. 15.

and priestesses clothed in white is approaching the temple, about which crowds of people are also collected, several of them in attitudes of adoration. Two altars are blazing in the immediate foreground, near each of which priests are kneeling; a grove of oaks appears to surround these altars. To the left of the picture some persons are seen bringing an ox which is about to be offered in sacrifice.

There is still considerable uncertainty as to the object of Stonehenge, and even respecting the time of its being erected; though the most probable and the best supported conjecture seems to me to be that it was a temple erected for religious purposes under the direction of the Druids. The earliest published notice of Stonehenge occurs in the writings of one Nennius, who lived in the ninth century. He gives an account of the murder of 460 British nobles at a conference between King Vortigern and Hengist, in the latter part of the fifth century, at or near the spot on which Stonehenge is situated; and he attributes the erection of the monument to the surviving Britons, who thus endeavoured to perpetuate the memory of that tragical event. Geoffrey of Monmouth, who wrote in the twelfth century, gives the same account of its origin, but he mentions a most extraordinary legend respecting it, which is that supernatural agency was employed to remove the stones from Kildare, in Ireland, and place them upright on Salisbury Plain; and he adds that they had been in the first instance conveyed to Ireland from Africa. Inigo Jones, the famous architect who lived in the time of James the First, thought that Stonehenge was a Roman temple. One writer endeavoured to show that Stonehenge was not only erected before the deluge, but that Adam himself actually superintended its construction; and he goes on to argue that the present dilapidated condition of it must have been produced by the flood. As, however, I have already said, the best arguments lead to the conclusion that it was certainly a Druidical temple. And one writer has urged that this is evident from the language in which it was described, and the great veneration in which it was held, by the primitive bards, those immediate descendants

and avowed disciples of the British Druids. Nevertheless the conclusion that Stonehenge was a Druidical temple has been strongly opposed, and forcible arguments have been put forward against this supposition. It is said by one eminent writer (Rickman) that Stonehenge stands on the Roman road, and therefore must have been erected subsequently to the construction of this road, and long after the times of the Druids. On the other hand, if this temple lay in the direct line of the Roman road, they would not have diverged the road to avoid Stonehenge further than was absolutely necessary, and might have carried it close by. Possibly, indeed, the road in question was originally British, made in the time of the Druids, and afterwards, as was sometimes the case, adopted and completed by the Romans. And we may suppose that to a temple of such importance the ancient Britons would construct a main road. These objections do not, therefore, appear by any means conclusive against Stonehenge being a Druidical temple. It may indeed be regarded as a proof of the restoration of Druidism in this country after the Romans left it, and have been erected at this period. And there is no doubt that when the Saxons came many years afterwards, Druidism was the general religion of the people.

I some time ago visited what is considered to be a very perfect Druidical temple, standing near Saumur, in France, of which you have a view, etched from a rough sketch that I made on the spot. This building is not nearly so large as Stonehenge, and the form of it is oblong instead of round. It is of about the dimensions of a moderate-sized waggon hovel, and is closely walled in at the sides, as well as covered over at the top with large stones, which is the more remarkable as some writers have asserted that "the Druids were of opinion that it was derogatory to the sublimity and immensity of the divine essence to confine their adoration within walls and under roofs, on which account their temples were left open at the top; and they had no other enclosure on the sides than large broad pillars of unhewn stone, arranged ovally or cir-

cularly, with a considerable space between each."* I am inclined myself, therefore, to conjecture that this building was in reality not a Druidical temple, but a Druidical altar of stupendous size. It is, I am sorry to say, now used as a barn, from which degradation I hope the French Government may be disposed to rescue it, and to preserve to posterity so interesting a relic.

Near Dol, in Brittany, is a large upright stone of the shape of an almond, which is supposed to mark the burial-place of some person of note among the Druids, and which I also visited some years ago. It is now surmounted by a crucifix. The height of it is thirty feet. Of this also I made a sketch, an etching taken from which is before you.

The Druidical remains in various parts of Brittany, which I have several times visited, are indeed very extensive and very interesting. On the plains of Carnac, which are near the coast, stand the relics of a Druidical temple of vast structure, extending, indeed, some miles in length, which consisted merely of large, rude, unhewn oblong stones, placed upright in rows. Many of these have been removed and used for building purposes, which of course occasions great dilapidations in the original structure. The stones are not nearly so large as those at Stonehenge, nor are they placed one over the other. They do not appear to be standing in any order, though in some positions you may perceive that they are arranged in lines, which are, however, very much broken. At Plouharnel, which is near Carnac, there are some very fine cromlechs; they are of great extent, and are entered by deep passages. The earth is so heaped round them as to render them now subterraneous. They are very perfect, but not so large as that near Saumur. Near the great Druidical temple which commences at Carnac is a very large stone, nearly round, in which are cut three large indentations, each of the shape and size of the body of a man, where it is supposed that the victims to be offered in sacrifice were placed; and

* Lord Lyttelton's "History of England," p. 13.

there are channels cut in the stone in the parts where the necks would fit in, for the blood to flow down.

There are some very large cromlechs at Loch Maria Ker, which is also on the coast of Brittany, about eight miles from Carnac, and the stones placed horizontally over them are of enormous size. Two of them are, however, broken quite in two, but it is difficult to decide what force could have effected this. Had it been caused by lightning, probably the whole stone would have been shattered to atoms. On one of the upright stones supporting the large horizontal one I observed some curious waving lines carved, though almost obscured by the lichens which cover it. I afterwards proceeded by boat to explore the island of Gavr Innis. It is surrounded by strong currents, as also by a vigorous whirlpool, so that navigation there is somewhat difficult and dangerous, and landing not always to be accomplished. The superstitious still attribute these extraordinary commotions in the sea round the island to the influence of demons. This little island is very rugged and barren, and at a corner of it is a large tumulus of pieces of rock and earth, nearly overgrown by furze bushes. On one side of the tumulus is a small square opening, and you have to proceed on your hands and knees through the entrance to the cave, which gets wider as you proceed, and which consists of a very large cromlech, extending underneath the tumulus, of which you have a representation in the diagram. It is necessary to use candles to explore the interior, the chamber of which is spacious enough to enable any one to stand upright. On some of the side stones supporting those covering the cromlech, I found some curious carvings, which were no doubt made by the Druids. They consist of long waving lines, but what they are intended to represent—whether serpents, or human figures, or Druidical temples—it is impossible to determine. Some of the devices appear to be meant either for arrow-heads or human figures. I made several sketches from them, hoping to meet with an interpreter to these mysterious signs. There are two round holes pierced

through one of the stones, which are supposed to have served for tying victims there.

Druidism appears to have been established in Scotland as well as in England, and several popular customs and superstitions still survive there, as also in England, which were derived from that religion. The Druidical remains in that part of our island are very numerous. In Ireland it continued to flourish until the middle of the fifth century. A temple to Minerva formerly existed in Bath. In London one to Diana is said to have occupied the very spot where St. Paul's now stands. In each country Christianity was the means of extinguishing Druidism ; and in Ireland we are told that St. Patrick was mainly instrumental in its extirpation. But even now, in this country, some of the practices of that superstition are kept alive in our popular sports and pastimes. The ceremonies of Allhallow Mass, the bonfires of May-day and Midsummer Eve, the virtues attributed to the mistletoe, and various other customs of the villages and country parts of England, Scotland, and Ireland, serve to remind us of the days of Druidism.*

The order of bards has already been alluded to. I will now give you some particulars respecting them. The bards of Gaul and Britain were for a considerable time their only historians, who noted down and recorded all the events of importance which took place ; though I expect that, like some modern historians, they were occasionally a little addicted to the exaggeration and embellishment of their narrative. Most of their works are written in a sort of rhyme, and no doubt the information which they contain is on the whole of great value. One of these bards, by name Merlinus Ambrosius, who lived about the year 480, is said to have foretold the arrival and conquests of the Saxons. The brief sketch that is preserved of his biography will serve to show you how fond these good people were of the marvellous. The bard in question is stated to have been the son of a nun called Matilda, and his

* "Pictorial History of England," vol. i.

father a supernatural being ; and it is asserted that he at last fell into a magic slumber.*

The court bard of those times was a domestic officer, and occupied the eighth place in the Prince's court. He held his land free, and the Prince had to allow him a horse and a woollen robe, and the Queen a linen garment. If the Queen desired a song, the bard was to attend in her chamber. When he accompanied the Prince's domestic servants upon a foray or plundering expedition, he was to have an ox or a cow given to him from the booty ; and while the prey was dividing he was to sing the praises of the British monarchy.

Reference has been made to the Steward or Disdain of the court. His office was to provide food and drink, and also to be master of the ceremonies and taster. One of his claims was as much plain ale from every cask as he could reach with his whole middle finger immersed ; spiced ale with the second joint of the same ; and mead to the first joint. The great falconer was limited to three draughts of strong liquor at the royal table, lest intoxication should lead him to forget his hawks. The porter was obliged to know the face of every person who had a right to be admitted to the royal hall, and he enjoyed the privilege, at each of the three great festivals, of drinking three horns full of a very pleasant, and, I suspect, pretty strong beverage, which was somewhat irreverently called by the name of " the twelve apostles."†

Allusion has already been made to the manner in which the ancient Britons were accustomed to bury their dead, of which Cæsar has rendered us an account. They appear to have observed a variety of modes in the disposition of the body. The earliest seems to have been to place it in a cist with the legs bent up towards the head. Daggers and drinking cups were placed with the corpse. Sometimes, however, they laid it in the grave at full length, and spear-heads and lances and beads were deposited with it. The

* Thompson's " Illustrations of Great Britain," vol. i., p. 18.

† *Ibid.*, vol. i., pp. 151, 152.

remains of dogs and of deer have also been found with human bones. In other cases the body was enclosed in a wooden coffin, and in some instances it was burnt. In the latter case the ashes were frequently deposited in an urn. In Scotland the body was very often laid in the earth entire, and a loose heap of stones raised over the spot. *

Although, as has been stated, the ancient Britons carried on commercial traffic with the people of other countries, it does not appear that they were masters of any other navigating vessels than open boats, and it is doubted whether even these were furnished with sails. Their common boat appears to have been what is still called the Carrach by the Irish, and the Coracle by the Welsh, formed of osier twigs covered with hide. Another kind of British boat seems to have been made out of a single tree, like the Indian canoes. Several of these have been discovered at different times, some in the marshes of the river Medway. One was seven feet long, and the paddle was near it. Another of them was so well preserved as to be used for a boat for some time afterwards.† No vessels, however, which could deserve to be called ships of war appear to have been possessed by the ancient Britons. The first voyage of discovery round Great Britain, when the fact of its being an island was established, was made about the year 84, by command of one of the Roman generals.‡ But it was not until long afterwards, until the reign of Alfred the Great, towards the end of the ninth century, that ships of war were built in England, and it has been doubted if they had even any trading vessels before that time.§ To Alfred England may be said to owe the foundation of her navy. It was in the year 887, in the sixth year of his reign, that he fitted out his first ships. Twenty years later he built a much larger fleet. Some of his ships had sixty oars, others even more.|| And in order to encourage voyages by sea, a law was some years afterwards made in this

* "Pictorial History of England," vol. i., p. 132. † *Ibid.*, vol. i., p. 102.

‡ *Ibid.*, vol. i., p. 46. § *Ibid.*, vol. i. || *Ibid.*, vol. i., p. 267.

country that every merchant who should have made three voyages over the sea with a ship and cargo of his own should have the rank of a thane or nobleman. It will be recollected that Dr. Southey, in his "Lives of the British Admirals," places King Alfred at the head of them; and his illustrious descendant, our own Prince Alfred, has adopted the navy as his profession. Sandwich is supposed to have been the first British port used for shipbuilding.* King Edgar, who reigned about the year 957, is said to have fitted out, great and small, as many as 4,000 ships. Some have even raised the number to 4,800. This fleet was distributed in all the ports of the kingdom, and cruising incessantly round the island, kept the pirates at a distance, and also prevented invasions. With regard to pirates, at this period of our history piracy was the common resource of the younger sons of all the best families in Denmark, Sweden, and Norway; and the sea was regarded as a field upon which a bold adventurer might reap for himself both fame and fortune. The coasts of England, Scotland, and Ireland were the chief scenes of their ravages; and by these bold sea-captains and their crews a great part of England was taken possession of after the Romans had abandoned it.

Here we must for the present take leave of this interesting subject, having now passed through the darkest period of England's history, when the gloom of barbarism hung over the land, and dense clouds of superstition enveloped it all around. Dismal indeed was the prospect which this country presented, and widely contrasting with anything that now appears. These people, however much they may differ from us in habit, manners, and all other respects, were, nevertheless, our forefathers. The same blood which animated them flows in our veins, intermixed more or less with that of the successive nations who have invaded this land. Their nature, wild as that nature was, is the same as ours, but by civilization it has become tamed and humanized. Their rude

* Thompson's "Illustrations of Great Britain," vol. ii., p. 229.

capacities have been developed by cultivation. Lawless passions have been subdued, generous emotions encouraged, rude virtues matured. Had they lived in our times, they would have been as civilized as the people of the present century. Had we lived in their day, we must equally with them have been the victims of, and in all probability the participators in, their appalling superstitions. However we may condemn them, they were only wild Englishmen after all. We ourselves are but Britons who have been tamed.

THE HISTORICAL DEVELOPMENT OF IDEALISM AND REALISM.

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I.—GREEK PERIOD.

“GENERALIZATIONS drawn from particulars are the jewels of knowledge, comprehending great store in a little room,” says the immortal Locke. The more I see of our learned societies, the more I study the *curricula* of our different schools and educational establishments, the more thoroughly am I convinced that we persistently neglect the study of general history from a higher and a philosophical point of view; in fact, we appear scarcely to have attained the faculty to distinguish between geography, archæology, genealogy, biography, ethnology, chronicles, heraldry, statistical reports, numismatics, and extracts from registers. We call everything that has happened history, and consider an old civic record, as devoid of influence on the destinies of humanity as the name, age, occupation, and domestic relations of one of the mummies under a glass case in our British Museum, an historical document of value. We are apt to confuse the task of the antiquary or of a contributor to *Notes and Queries* with that of the historian.

The historian undoubtedly requires details, and cannot do without them. But not every collection of details is history in a higher sense. Conscientious “archive-copyists” abound among us to an overwhelming extent. All is historical detail; there are heaps of historical materials, not yet arranged into a systematic and organic building. Bricks and stones, iron girders, cross-beams, cornices, pillars, consoles and chimney-pots are plentiful. But the architects are rare, and it cannot be detrimental to our Society and its future destiny

to devote ourselves, at least sometimes, to the constructive duties of philosophical historians, trying to trace laws in isolated historical phenomena, and thus using the mass of detailed antiquarian material for some higher purpose.

I am the last to look down upon those who toil in record offices or copy old documents ; but I certainly could wish them to refrain from decrying those who devote themselves to the building up of theories to further the progressive intellectual development of humanity.

Universal history is with us still in its infancy, though we were the first to teach its peremptory necessity to other nations who have followed the hint thrown out by Bolingbroke, and have recognised the truth " that human knowledge has only one store-house, history." I know that it is looked down upon in our universities and colleges as incapable of a scientific treatment. It is generally assumed that history is but an incomplete mass of more or less verified incidents. But it is history that lives on, as the only true " Logos " in the intellectual consciousness of humanity. As soon as education had been freed from the fetters of mediæval scholasticism and theology, it could do no more without history in all its ethical, political, and artistic branches of instruction. Wherever the historical basis of tuition is neglected or ignored, real culture of the mind is impossible. Every historian requires a philosophical mental training, so as to be able to grasp heterogeneous facts in their inner connections, to understand the forces working in humanity, and to see in the variegated and complicated phenomena of man's actions a homogeneous whole. Reason and imagination are equally acted upon by the study of universal history ; " an historian who is without a philosophical and poetical mind is a poor historian," says W. von Humboldt. Leibnitz, in pronouncing the words "*le présent est chargé du passé et gros de l'avenir*," laid down the principle of a new method of treating history. For history is the record of man's moral and intellectual deeds, done under certain conditions, in certain places, and at certain times, and these phenomena, together with the causes that produced them,

make up history. Not every action of man, however, deserves to be recorded, but only such as mark the life of humanity in its different phases of progressive or sometimes apparently retrogressive development. We have special or pragmatic, and general or universal histories. There is as wide a difference between an accountant and a mathematician, an herbalist and a botanist, a miner and a geologist, as there is between a biographer and an historian; and among the latter again, special and general historians are to be distinguished.

"All history," as I said in the first paper I had the pleasure of reading before you, "is information acquired by inquiry;" but "universal history" is not contented with the information acquired by means of inquiry; it has a higher aim, and endeavours to trace the causes of at least the most striking phenomena, so as to discover a certain law in the interaction of cause and effect in the destinies of mankind. Modern historians reject the theories of chance, predestination, or free will, and endeavour to prove phenomena to be the result of man's self-conscious or unconscious activity by means of the static or moral, and the dynamic or intellectual forces with which he is endowed, and trace the working of these forces according to physiological or psychological laws, or a combination of both.

The theory of development is altogether new in history. Historians were content to collect dry facts as they presented themselves chronologically in so-called state or other documents; or they taught history under the influence of preconceived facts, as is customary in our schools, beginning with Biblical traditions, treating ancient states according to the Book of Daniel, as did Melanchthon and Bossuet. Or they wrote history, as Macaulay stated in his essay on "Hallam's Constitutional History," from a party point of view; for "every political sect has its esoteric and its exoteric school, its abstract doctrines for the initiated, its visible symbols, its imposing forms, its mythological fables for the vulgar." As long as history is written on such principles, we shall be obliged to do without general historians in the scientific sense

of the word. The real historian has to deal above all with the *two* sides of every question ; he has to divest himself of his individual sympathies and antipathies. He has undoubtedly to exert his individual capacity to discern right and wrong, truth and falsehood ; and though he cannot appeal like the physicist to our outward senses with mathematical precision, he may arouse our higher reasoning and imaginative faculties. His success in solving this difficult problem will depend upon his impartiality, his unprejudiced mind, his love of justice, and his philosophically trained intellect, freed from all religious and political prejudices, so as to prevent him from becoming in the treatment of the past either biassed or *one-sided*. Nothing is more detrimental to history than party spirit ; it blinds our clear vision, deadens our faculty of hearing, and makes us unjust towards those whom we look upon as adversaries. This is the reason why we often treat best those subjects that are locally and chronologically farthest removed from our country and times. Scientific universal history becomes the more necessary the more the different special branches of science increase in details. History has to connect the apparently isolated facts, to trace in the discordant voices of generations and their complicated actions union and harmony ; for history is the bright genius that soars high above particulars ; it is the echo of man's most secret yearnings, showing in the various incidents of human life the common elements of a universal brotherhood.

From the very first dawn of consciousness man tried to solve the phenomena surrounding him in two divergent ways, which up to our times have been followed by two opposed parties. The controversy between idealists and realists, or materialists, is as old as man's power of thinking. The history of man's intellectual development in a wider sense is but the struggle between the two. To trace the action and reaction of these two agents in human history should be both interesting and useful. It would be presumption on my part to attempt to exhaust this subject ; I intend only to draw broad outlines, to suggest and to excite investigation or contradiction.

I purpose dividing my subject into a series of papers, treating of the Historical Development of Idealism and Realism in four groups,—Greek, Roman, Mediæval, and Modern.

The cosmogonies of the East and the Greeks are the foundation of all so-called science in ancient times. Man did not try at first to explain the origin of the universe and of himself from an ideal or material point of view, and least of all scientifically, but invoked the aid of anthropomorphic world-makers—some kind of half-real, half-spiritual being (or beings), who sifted like a clever chemist the chaotically mixed forces and elements, and left them to struggle, to grow and decay according to chance. The creatures, and the earth which they inhabited, were realities; the Creator and his working were ideal assumptions, clad in a more or less realistic shape. With this antagonism the combat began. The thinking minds of antiquity very early opposed these assumptions; they were eager to find in the chaotic phenomena of nature, and in man's actions, unity, order, and law. With this effort to trace law on one side, and to assume, on the other, an active band of gods and goddesses, the action and reaction in the spiritual destinies of mankind were set in motion.

The Greeks were undoubtedly the first people in whom this struggle took an intelligible shape and form. I know that the Indians went through the same phases of spiritual contest. The Vedantic idealism engendered the Vaiseschika system of materialism by Kanada, and Sankhya tried to reconcile these antagonistic systems. But the Greeks are so much more approachable by us, that I hope not to be accused of a wilful omission in beginning with them.

The development in all thinking nations with reference to this struggle has been the same, and, moreover, must be the same. The orthodox priesthood of Greece, representing the ideal element, was not less intolerant than the Brahmins of India or our own mediæval Torquemadas. Thales of Miletus was to them an atheist. Anaxagoras was imprisoned, and saved his life by flight. Sokrates had to poison himself. Protagoras had his writings publicly burnt, and had to fly

from his country. Aristotle had to leave Athens, to spare it the disgrace of again dishonouring itself by persecuting a free-thinker. Theodorus was hated as an unbeliever, and Diogenes of Apollonia had to share his fate. So soon as man became conscious of his faculty of inquiry he used it, and used it either to verify the origin of all things, or to make himself acquainted with the working forces of nature. With the study of mathematics, geometry, and natural sciences, the first steps towards civilization commenced. The fact that this movement began with the Greeks in those parts of their country which were in a continuous intercourse with Egypt, Persia, and Phœnicia, proves that they received the germs of these sciences from those countries. The Greeks had the merit of bringing order, system, and intelligible form into everything they inherited from the East. Their speculations concerning the universe and its connection had many shortcomings, but they were the first to lay down generalizations in a sharp and intelligible form ; they furnished us continually with starting-points, which they did not fix as unchangeable, metaphysical, or theological truths ; they were the first to provide the world with scientific deduction. We look down upon deduction as a mere play of individual opinions, and while we are more stationary in this very sphere of man's ideal activity, we strive, on the other hand, towards a coarse materialism, which assumes that beyond ponderables and measurables there is nothing worth knowing. We ignore that, after all, our modern mode of thinking, inquiring, and inventing for practical purposes is but the natural sequence of those old Greek philosophers who looked into the order of things more from a deductive point of view, with the often unconscious power of intuition ; but they very early tried to regulate not only quantities and the sizes of bodies, but also the subtle quality of our mode of thinking and our power of ratiocination.

The Greeks were, after all, the first to free our dim eyes from the veil of the miraculous, the fabulous, the mythical, and the imaginary. These elements took their origin in man's fantasy and in his intellectual power ; and it was deduction

that led to induction, it was the idea that fixed the properties of matter. "I am a body, and I think," was the beginning of the atomistic theory. It was Diogenes of Apollonia who propounded the hypothesis that air is the pervading primitive substance, engendering order and reason. The Eleatic school worked also in this direction. The Pythagoreans recognised numbers—but numbers of what?—as the foundation of the phenomena of nature, numbers of which the monad, forming diads, was the origin—of atoms, in fact, which was a further step to recognise in the phenomenal world the mysterious in the visible, the complicated in the simple, the unknown in the knowable.

One of the mightiest intellects of antiquity was Demokritos, of whom we know scarcely more than the sobriquet "the laughing philosopher." It is usual to nickname obnoxious thinkers, to call them flippant, superficial, or taunt them with hiding their ignorance under satirical phrases, because the "dullards" of all times most hate the intellectual products of those whom they can least refute. It was the immortal merit of Lord Bacon to have pointed out Demokritos as the founder of real science. This was the more praiseworthy, as Bacon was spitefully unjust to Aristotle, whom he dragged out of his times and circumstances, and branded as a propounder of empty phrases and hollow knowledge. Lord Bacon was not endowed with the faculty of historical appreciation, and acted towards Aristotle as many modern French and German philosophers, who judge Bacon by the light of modern knowledge, act towards himself. It must be remembered that without Aristotle no Bacon, and without Bacon no Cousin, Kant, Hegel, or Schoppenhauer would have been possible. Nor must we ignore that Demokritos intellectually engendered Epikurus; and that Bacon, after humanity had passed through the unavoidable circle of errors for nearly 2,000 years, reaching the transition point of a more correct reasoning, had to begin again where Demokritos and Epikurus had left off.

The most important principle laid down by Demokritos was, freely translated, "Do not let us strive after quantity of

knowledge, but after quality of understanding." Demokritos opposed both Sokrates and Plato, because they turned philosophy into mere verbiage and dialectics, without having any firmer foundations for their assertions than mere assumption. Both Sokrates and Plato became the props and pillars of idealists, whilst Demokritos laid down those principles which served the realists as a basis for their investigations. Demokritos laid down six principal axioms, and these are still the discussed points of our latest philosophical inquiries on a scientific basis. He already acknowledged that—

1. "From nothing comes nothing. Nothing that exists can be destroyed. All changes are due to combination and separation of particles (atoms or molecules)." Kant places this principle as the first analogon of experience. "Notwithstanding all the changes to which the phenomenal is subject, the absolute essence remains the same, and its quantity can neither increase nor decrease in nature." Of course so long as imagination in humanity was stronger than knowledge, or the logical mode of inquiry weaker than the tendency towards assuming causes which stood in no relation to certain effects, man argued, talked, and built up systems and theories on the origin of all things and the creation out of "nothing." This gave rise to many discussions by which, if truth did not gain, our dialectics were at least sharpened, till we came to the conviction that inquiry was after all essential to prove that the combination and separation of something real must produce the phenomenal in the universe.

2. "Nothing happens by chance. Every phenomenon has its cause, from which it follows by necessity." This axiom was already attributed to Leukippos, but without sufficient evidence. It does away with all teleology; for the cause (*λόγος*) is, according to Demokritos, nothing but a mathematical and mechanical law, by which the atoms are ruled in their movements with unconditional necessity. This assertion produced the same accusation which realists have to encounter in our days. They were taunted with elevating *blind chance* on the tripod of deification. There are scarcely any more

antagonistic notions than *chance* and *necessity*, and yet the two are continually confounded. The notion of necessity is clear, intelligible, and fixed ; the notion of chance expresses merely a relative vague notion ; it is partially the negation of an aim. Those who in whatever shape or form ascribe the phenomena of nature to an absolute final cause, exclude chance as distinctly as those who assume a law of causation. The idealist has an easier task with his assumption of an absolute final cause. Whatever presents itself to his astonished senses is set down as the result of an incomprehensible final cause for a distinct anthropomorphic aim, and anything contradictory or unintelligible in relation to this aim is left as a great mystery, without which mankind could not exist. But this never would have led us to knowledge. Knowledge begins where mystery ceases. This does not eliminate the ideal, or altogether do away with the mysterious. Only the mysterious, instead of becoming something debatable and apparently scientific, becomes the merely unknowable, and the conviction that there are unknowables is the highest gain of science. The assumption of necessity and law in nature led to a rational study of nature.

3. "Nothing exists but atoms and space ; all else is mere opinion." This is the weak and strong side of realism in one single statement. The phenomena we study in modern times are resolved into their smallest component parts which are found to be in motion. Thus only we are enabled to explain sound, light, heat, electricity, and taste. Athens entered a protest against this atomistic principle, and tried to prove that the ideal is something separate, not only acted upon, but freely acting. The bridge of union between the acting and acted upon was not yet found. Even if we assume that physicists may yet be able to find out a perfect theory of "brain functions," and distinctly show the mechanical origin and action of sensations, and thus explain the most important actions of a living creature according to a law of conservation of force, developed in the brain under the influence of nervous irritation, setting vital energy into motion, it will

still remain an eternal mystery how the simplest sensation becomes that of a certain subject, *my own* subjective sensation, and how this my subjective impression corresponds to the same phenomenon produced in the objective world beyond myself. Demokritos answered the assertion of the Eleatic school, "that all such impressions were mere illusions," with the counter-assertion that this depended on the quality of our senses. "The notions sweet, bitter, heat, cold, colour, were matters of opinion; in reality, only atoms and the empty space existed." According to him *thinking* was even of greater importance than *experience*. His *thinking* was constantly reduced to *observation*, and saved him from the error into which experimentalists often fall, of arguing inductively from an experiment in which they do not succeed, that the experiments of another which have succeeded cannot be right, and that a theory based on such or such an experiment is impossible. Such reasoning leads to a dangerous dogmatism, that has often hindered the progressive development of humanity for hundreds, nay, thousands of years.

4. "The atoms are infinite in number and infinite in form. In eternal motion of falling through infinite space, the larger that fall quicker strike the smaller; this produces lateral motions, and the whirlings which thus arise are the beginnings of worlds. Innumerable worlds are forming side by side, and others perish one after the other." These words are in our modern times far more understood than they were in ancient philosophy. Epikurus and Lucretius referred to them, though Epikurus did not admit the infinity of atomic forms. The lateral motion of Demokritos is of great importance. He certainly assumed that heavier bodies fall quicker in empty space than smaller ones. But he explained correctly the beginning of rotation according to the known laws of mechanics. Aristotle attacked Demokritos's theory about the accelerated fall of the larger atoms, and Epicurus, influenced by him, asserted his theory of the deviation of atoms from a centre, without being able to prove his hypothesis, or to assign for it a plausible reason. Aristotle propounded further,

if there were such a thing as empty space (which he did not admit), all bodies must fall with equal velocity, as the differences in the swiftness of a fall were occasioned by the varying densities of the mediums through which the bodies fall—say, water or air. Aristotle more or less consciously arrived at results since borne out by modern science. Epikurus advanced the same theory, but he was terser in his statement. Because no resistance of any sort is possible in a vacuum, therefore all bodies must fall with equal velocity. This was hypothetically in accordance with modern science, but only hypothetically, as the ancients had no correct knowledge of gravitation, or of the laws of velocity. Still Galileo, undoubtedly aided by the ancients, was capable of asserting his law of the equal velocities of bodies, which could only be proved efficaciously by means of the air-pump.

5. "The varieties of all things depend upon the varieties of their atoms in number, size, form, and order of aggregation; a qualitative distinction of the atoms does not exist. The atoms have no 'inner conditions,' they only impress each other through pressure and motion." This assertion reduces all phenomena to touch, and the sensation produced by it. Materialism or realism turns thus into dead formalism. This was already observed by Aristotle. He raised the forms in a transcendental way into causes of motion, and by this means cut at the very root of the study of nature. Kant, in his "Critic of Pure Reason," tried to throw light on a mystery, which, in spite of all progress in natural sciences, is as incomprehensible as in the times of Demokritos. How and when do these atoms come to subjective and objective consciousness?

6. "The soul (consciousness) consists of fine, smooth, and round atoms, like those of fire. These atoms are the most mobile of all; they interpenetrate the whole body, and in their motions all phenomena of life arise." Like Diogenes of Apollonia, Demokritos assumes the soul to be special matter; he considers it an entity differing in essence from the atoms forming bodies. This is a theory which would not suit many of our modern mechanical realists, who do not

admit of a spiritual element in creation. Demokritos made this division and built upon it his ethics. The soul is with him the essential is man. The body is only the vessel of the soul. The soul is first to be taken care of. Bodily beauty without intellect is animal. Demokritos, is said, to have been the first to assert a special divine soul in the universe. Aristotle laughed at this "soul" of Demokritos, and compared it to the quicksilver with which Dædalus filled his moveable wooden dolls; but the assertions of Aristotle that the soul works only through selection and thinking does not solve the mystery of the absolute entity of the soul. Selecting and thinking are mere faculties of a force which cannot be mere thinking and selecting. The savage or the superstitious may both equally talk about this superior faculty in man, but this does not scientifically answer the question, what is the essence of the "soul-entity"? can it and does it exist without matter? Demokritos did not speak of a force that created the world, but only of a force that evolved itself in matter and became a phenomenal entity through this evolution, manifesting itself in law. The shortcoming of the realists and materialists is that they stop suddenly when they trace in matter the possibility of mind, or when they have proved that mind is the mere effect of matter, which is its primitive and essential cause. But with the effect, as mind, in reality all higher problems of history and philosophy begin. He who ventures with so-called *a priori* conclusions, originating in a faculty of which matter is an indispensable cause, to settle out of his own inner consciousness the phenomena of nature, whether his name be Plato, Aristotle, Descartes, Butler, Hegel, or Sir Wm. Hamilton, only destroys the basis of real knowledge, which ought to have facts for its foundation. Kant would have sided with Demokritos against Aristotle or any of the modern antagonists of realism. Experience is the essential basis of science; an Empyrius, however, that does not become dogmatic, but only opposes the verbiage and arrogance of those who transcend the boundaries of reason,—ignore its limited faculties, boast of a knowledge of and insight into

the hidden working of forces, where real insight and knowledge cease,—who eternally confound the practical and the theoretical, the material and the ideal, and wish to cut the thread of inquiry wherever and whenever it suits their particular interests. This arbitrary checking of the working of man's dynamic (intellectual) force of inquiry and progress is in our days not less at work than in the ancient classic times. To make man good and happy is the aim of both schools of philosophy. The question presents itself at once, whether idealism or realism can better attain this aim. Demokritos tried to solve the question in restoring to man a cheerful quietism which he can only attain in becoming master of all his passions. Moderation, purity of heart, and a normal development of his intellectual capacities, are the duties of every individual. Neither hope nor fear is required to entice him to be good, for man has to make himself acquainted with his constitution, and to act in accordance with the requirements of his mechanical organization. This is, of course, a moral which omits every impulse of our intellectual nature ; but after all, from a practical point of view, it is not very immoral, and preferable to an ethic inducing men to be good by the promise of reward or the assurance of punishment.

Sicily and Lower Italy lived for centuries on the crumbs that fell from the intellectual feasts given at Athens, the central point of philosophy in ancient times. Goethe was right to have exclaimed, "America, thou art happier than the whole world, thou hast no castles in ruins, and no basalt." Freedom of thought not depending on obsolete traditions, a great distance from old places of culture, and the influence of ambitious priests, with their deeply rooted authority, have always acted beneficially on the transition period from blind faith to philosophical inquiry

The Pythagorean school, though but a disguised Egyptian priesthood, acted most beneficially through the study of mathematics in promoting a more correct appreciation of the forces in nature.

Xenophanes from Asia Minor, who settled in Italy, where he founded the Eleatic school, inquired into the Pythagorean philosophy, which propounded that everything was contained in the monad (the unity), and that everything was produced by it. But who made the Monad? he asked, and found this proposition too obscure, and argued thus:—"If anything has been made it has been made out of that which *was*, or out of that which *was not*; out of that which was not, it is impossible; for out of nothing, nothing can come. Out of that which was, it is impossible still, for since it already was, it could not have been made." He thus arrives at the impossibility of any timely creation by means of a monad, and assumes *one* sole Being—eternal, infinite, immutable—as the essence of all things. He found fault with Homer and Hesiod for having endowed the gods with human forms, voices, and manners. He objected already to the anthropomorphic conception of the gods, and acknowledged finite beings as simple modifications or forms of an infinite being, showing thus a strong leaning to pantheism. Xenophanes was an idealist, confining himself to an inquiry into things in themselves from a spiritualistic point of view.

Heraklitos and Empedokles form a school of their own, and were neither idealists nor realists, but tried to combine in a spirit of eclecticism both elements. Heraklitos became, to a certain degree, a sceptic through the inconsistency of his predecessors, but wrapt his philosophy in a dangerous dogmatism. He was the founder of Greek Puritanism, and looked down upon this world as "a vale of tears," and received the title "the weeping philosopher." He set forth "that the universal and divine reason was the criterion of truth; that which was universally *believed* is certain, for it is borrowed from that common reason which is universal and divine." Such phrases are often heard in our times. The sun must then still move and the earth stand still, for it was once the universal and therefore divine belief of mankind. The Buddhistic religion, according to Heraklitos would be the truest, for it is more generally acknowledged than any other. He also propounded "that common reason is but the picture of the order of the

universe : whenever we derive anything from it, we possess *truth*; and if we interrogate only our own individual understanding, we fall into *error*." I scarcely need draw your attention to the fact that this assumption served theologians, especially during the Middle Ages, as a means of extolling faith and degrading reason or intellect. It served to maintain universally accepted falsehoods as truths, because believed in by the ignorant masses, and to condemn in man the use of his faculty of inquiry as godless and diabolical. Heraklitos, however, atoned by his death for his idealism ; he fell a sacrifice to his realistic researches in trying to explore the crater of Etna, which proves that he must not have been quite sure of his own philosophical principles, for if the general belief had been true, no exploration of the crater on his part would have been required ; the crater could not have been anything but the infernal regions of Hephæstos, where the thunderbolts of Zeus were forged by infernal spirits.

Empedokles of Agrigentum belonged to the same school. With him matter and force were two separate entities. He was probably the first in Greece to reduce matter to the *four* primitive elements, air, fire, water, and earth, held together by *two* fundamental forces, *love* and *hatred*, acting in nature as *attraction* and *repulsion* : his love and hatred did not work according to inherent laws, except the force of assimilation and separation. Organisms were, according to him, the incidental products of the fundamental forces. First, plants were formed, then animals. Nature brought forth the different organs singly ; eyes without faces, arms without bodies, &c. In the progressive development combinations took place, forming bodies at random of different shapes. Nature tries all possible combinations till it is able to produce a creature capable of propagating its genus.

These are undoubtedly the germs of the Schelling-Oken and the Lamarck-Darwinian theory of descent. There is a difference in the two systems ; with Empedokles heterogeneous elements combine, while according to our modern philosophers the combinations are products of differential successions of

simple and homogeneous forms for an inherent purpose. The assertion of Empedokles was a mere hypothesis, while the doctrine of Darwin, based on a quantity of facts, has become a systematically proven theory. Both systems, however, account for the mechanical productions of form through unlimitedly repeated acts of generation and annihilation, and the survival of those that have in their accidental and relative construction the power of higher vitality. Whilst Demokritos, the realist, ruled through simplicity and straightforwardness, Empedokles surrounded himself, through his tendency to idealism and his superior knowledge of the working forces of nature, with an aureole of miraculous and supernatural powers.

Matter stands in the same relation to nature as consciousness to sensation. If we assume that consciousness is a possibility without sensation, we commit the same mistake as if we were to assume that the universe could exist without matter.

Let us glance at the entire works of metaphysicians, or the propounders of different creeds, and we shall find that the most abstruse descriptions are mere reflections of imaginary or real sensations, because sensations serve in their relative harmony or discord to produce consciousness. The realist tries to deduce the various phenomena of nature from their material elements, while the sensualist deduces the whole of his consciousness from sensations. But sensations are only possible through outward impressions. The realist will attempt to become acquainted with the effects of outward nature; while the sensualist will deny the possibility of arriving at any certainty, as we have only impressions of which we become conscious: this consciousness is therefore at the same time the essence or reality of all things, beyond which we cannot go.

It is said that Demokritos once met a porter in his native town, Abdera, who was heaping up pieces of wood with great ingenuity. He entered into a conversation with him, admired his cleverness in arguing, made him his pupil, and this porter

changed the position of philosophy in its relation to the development of humanity. The porter was Protagoras, the first teacher of philosophy for money, and the first sophist. He was followed by Hippias, Gorgias, Prodikos, and others. It became the fashion to listen to the teachings of these masters.

Mr. Grote and Mr. Lewes in England, and Hegel in Germany, tried to save the honour, and to vindicate the position of the sophists in Greece. The sophists of this period of Greek philosophy stood in the same relation to real science as our metaphysicians now do. They advanced it to a certain degree, they paid more attention to the inner man, the subjective of their own natures, than to the objective phenomena of outer nature. The sophists were the first antagonists of realism and the founders of a subjective idealism which attained in Sokrates, Plato, and Aristotle the highest climax. The theory of Protagoras stands as a connecting link between the two extreme parties into which philosophy was already divided at this early stage of our historical development. Some cared only for the single, the individual, the detailed, the isolated facts ; others looked exclusively at the general. Protagoras united with his sensualism a kind of relativism that has been taken up in later years by Buchner and Moleschott in Germany. "The statement that something is, requires the verification of how and in what relation it is, else nothing is stated," says Protagoras. Buchner, in opposing the "thing in itself," asserts that "all things only exist so far as they have mutual relations, without which they mean nothing." Moleschott goes farther, and propounds that, "without the eye into which the tree sends its rays, the tree does not exist." Realism had one great advantage, that it tried to tie down the human intellect to observation and experience. It early found the axioms.

(a) That man, as such, is the essence of all things,—the living as far as they are, and the not living as far as they are not.

(β) That opposite assertions may be equally true.

So soon as we assume that our consciousness is but the result of our sensation, things will assume a relative aspect, and what is heat to one man may be cold to another under the same temperature. This would be a negation of the phenomenal world as such. But is this so? Sokrates already felt, that, besides mere impressions on our senses, there must be the impressions themselves. The phenomena must have an independent absolute reality, whatever the relative impressions producing consciousness in us might be. The eternally *same* must be different from the eternally *changing*. Sokrates sought to find the solution; Plato was convinced that he had found it.

The theory of relativism had a pernicious influence on the development of ethics; because if cold and heat were merely relative sensations, good and evil might also be so. What appeared to one virtue, might be vice to another. The same action that was condemned by A, might be rewarded by B. Where was a standard to come from? *Pleasure*, according to Aristippus of Kyrene, was to be the standard of morals; according to Sokrates, *virtue*.

Aristippus led to the extremes of realism, and Sokrates to the extremes of idealism. Practical realism produced an indomitable craving for material acquisitions and enjoyments, and was opposed very early by the theoretical realism of those who wished to reduce every phenomenon to its first elements; and we may say without fear of contradiction that the realists of old, with their earnest endeavours to know the essence of things, have contributed far more to the happiness and the scientific progressive development of humanity than the dreamy idealists, who led to self-deception, spiritual conceit, and a refined immorality, productive of more harm than the realists ever had done. One great quality distinguished the realists, they always tried to direct man to the study of Nature and her phenomena, and therefore carried with them a certain amount of experimental ballast, which prevented them from flying into the regions of imagination, and losing their footing altogether as rational beings. The idealists, on the other

hand, who often began with the loftiest *à priori* ideas about God, the creation, the soul, virtue, duty, &c., led in the course of time to the most realistic monstrosities through their dogmatic hypotheses, so soon as their assertions were thought more important than the intellect itself which had created their arbitrary systems. It so happened that of the two antagonistic parties, which brought body and mind, reality and ideality, into opposition, the realists kept within the boundaries of the possible, and thus did less mischief than the idealists, who pretended to know all about the unknowable, acting one-sidedly on man's mere emotional, ignorant, sensual part. Mystic hope and fear are both, when analyzed, but sensual excitements. To abstract man from mere matter, and to devote him to a kind of imaginary realism, was the doing of the idealists, who like the realists had their models among the Greeks. Knowledge and progress were never more efficaciously stopped for thousands of years than through this grand ideal movement in humanity. And yet it was but a natural development of our inborn forces. The consideration of the mere static elements in humanity was to give way to an exclusive consideration of what was dynamic in us.

The conflict was Titanic, the more so, as it was the first conscious outburst of man's ideal power.

Sokrates we have to thank for the phantoms of *definitions*, supposing an imaginary congruity between words and things. Plato followed with creating a deceptive *method*, trying to support one hypothesis with another more general one, and asserting that we may find in general and ideal abstractions alone the greatest realities. And to Aristotle we must ascribe the jugglery of *possibilities and realizations*, which led to his imaginary *system of categories*, through which he assumed to have exhausted all real knowledge.

Sokrates considered virtue an entity, but we are as ignorant of the nature of this entity, even after having gone through all the dialogues of Plato, as we should be of the "philosopher's stone" after a careful study of the writings of the

alchemists. An ideal "something" was thus opposed to the utilitarian doctrine of the realists, who assumed virtue to consist in anything "useful to the state;" which led to Kant's exhaustive and practical moral dictate, "Act so, that the maxims of your actions may become the principles of general laws."

Man is the essence of all things, as far as matter in his organization, and mind as the effect of this organization, are concerned. The *individual* man is in his transitory state the essence of isolated, detached phenomena; while humanity in the aggregate is the essence of the sum-total of these isolated phenomena. This would lead us on the path of induction from particulars to generals, in opposition to the Platonic assumptions that led humanity on the intricate by-ways of idealism to deduction, starting with general, often imaginary principles, and arriving at equally imaginary particulars. To build up the world from an inner consciousness with a culpable neglect of reality, that is of matter, was the result of the working of the triad of ancient Greek philosophy. The importance of these teachings cannot be denied or ignored. Unconsciously they brought higher aims and aspirations into humanity.

Sokrates was a man full of physical and intellectual power. He was stern, self-denying, and without wants. Courageous in battle, enduring and patient in suffering, a good table companion if required, otherwise abstemious and frugal. He became master of his passions, not because he was free from emotions and wild feelings, but because he practised the power of his intellect, and trained his great mind to subdue his mighty sensuality and violent temper. His thoughts and aims were few, but he concentrated the whole of his burning idealism on those few thoughts. He was earnest, and this earnestness gave extraordinary force to his speech. His was an apostolic and prophetic nature, and he tried to animate his hearers with the same glowing love that pervaded his spirit. Progressive and revolutionary in his general views, Sokrates was still in his sentiments and notions decidedly *religious* and not

scientific. The teleological views of nature which he preached with a glowing fanaticism, often hiding his strong convictions behind a shield of irony, went to prove the existence and working of the gods, trying to satisfy a want in the tendency of all teleology to make the gods act and work like man. (See the dialogue with Aristodemus, Xenophon Mem., i., 4 ; or Lewes, vol. i., page 285, &c.) That such a man with such principles should have been put to death will not astonish any student of history. No pliable mind, no smooth free-thinker, no cautious reformer was ever put to death, but the believing reformers were burnt and crucified. Those who *felt* the change in the intellectual development of humanity, and could not bring their feelings into conventional forms, fell as sacrifices to the periodical mental convulsions that threaten to undermine the general state of existing things. This was the case at the period of Sokrates. Priests and laymen felt it was necessary to give the gods of Greece a more spiritual and less anthropomorphic nature ; but when Sokrates in spite of the approbation of the Delphic oracle, which said that "he was the wisest of mortals," openly proclaimed what every one dimly felt, priests and people were horrified, and accused him of atheism, though they believed less in the gods, in fact, were not even capable of understanding the lofty notion which Sokrates had formed of the God whom he was accused to have denied.

The great principle of Sokrates was self-knowledge, not in a material, but exceptionally spiritual point of view. It is most interesting to trace in the struggle of these times how the material "monad," or atom of the realists, led to the spiritual "monotheos" of Sokrates. But was the one more intelligible than the other? Sokrates tried in the spirit of modern times to free the gods of Greece of their coarser nature, and to reduce them to the mere embodiments of the forces of nature under *one* supreme deity. To secure this deity from any taint of materialism, he opposed the study of nature as leading to no result, since the works of God as such were perfect and complete. The same opposition is still going

on in many quarters in our times against the physicists. "After all, what do they know?" They certainly may not know what fire or oxygen is, but they at least try to know the effects of fire, instead of scanning the still more mysterious Creator of fire, of whom the idealists say the realists know nothing. By what means can we recognise the greater Cause without being able to make ourselves acquainted with the essence of so small an element as fire? What is God, if we are unable to know what oxygen is, though we handle it, separate it from other elements, trace its working and influence in the air, on plants, animals, and man? The great advantage to be derived from the study of the history of the development of certain phases in humanity is to see how at all times, under all conditions, man tried principally to occupy himself with "what will least fit into his brain," as Goethe says.

Of all the great masters of this branch of knowledge, Plato, the divine Plato, was *the* greatest. He was too much of a philosophical poet, and too little of a scientific philosopher, and was seized with a kind of supernatural mania. He worked out all the unintelligible passages of Sokrates, all his mental errors, and turned them methodically into so-called philosophical truths, that humanity has taken nearly two thousand years to shake off. Sokrates opposed realism because he was afraid to see humanity drifting into the merely sensual and material; but he did not altogether deny to man, with his higher aspirations, the possibility of being virtuous. With Plato philosophy was altogether removed from earth, and made something supernatural, settled, finished, like the inspiration of a prophet. Sokrates at least acknowledged sometimes that he did not know; but Plato, like our modern theologians, never knew when he did not know, and was never more positive about his knowledge than when he knew least.

Plato was the first who in science placed *faith* above *knowledge*; and still it was Plato who with his mighty spirit of idealism brought more than any other philosopher of antiquity, even than Aristotle, the realistic schools of our modern times into existence. Unconsciously some of our

greatest realists start like Plato with general assumptions, which they try by degrees, step by step, to prove by hard facts, turning thus ideal generalizations into systematically proven theories. It was Plato who, not contented with mere definitions and words, attempted to give us a clear notion of *genus* and *species*, and to subordinate, to co-ordinate, and to super-ordinate (or to superpose) our ideas. He created that hierarchy of thoughts in which the most general and least meaning was always placed highest. There can be no doubt that it was Plato who taught us first, that in order to attain knowledge abstract generalizations are as indispensable as mere particular facts. The immortal mistake of Plato, and also of Aristotle, was that they allowed themselves to be satisfied with mere words.

The "logos" became omnipotent; the "logos" was the origin of all things; the "logos" turned out to be God himself, and man as the incarnation of the "logos" thought himself nothing less than a god. The "eidos" or "idea" was the element of which the word was the reality. The "eidos" is not visible, for everything visible is part of the mutable world of phenomena. The "eidos" has no need of space or time, for the supernatural cannot be confined to space and time. And yet can there be anything *ideal* without some substratum of the *real*? Say the words pure, glorious, perfect, eternal, and form to yourself a notion of them that shall not affect the senses through matter in one essence or another! It is impossible, and Plato found himself suddenly with all his lofty abstractions plunged in incomprehensible mysticism—the "sensual-supersensual," or the "realistic idealism,"—an idealism that was often coarser in its effects than the most realistic materialism. The "eidos" is existing above man, he becomes conscious of it through his inborn faculty, reason, which reason stands to the supernatural in the same relation as the senses to the sensual. Senses and mind were thus separated; this separation in itself was a mere assumption, and produced all those misunderstandings which furnish the most important facts in the intellectual develop-

ment of man's history. Our body, or the material in us, has no share in our knowledge or our spiritual life. Mind only is capable of understanding the "supernatural." Aristotle altogether separated "reason" from the organization of man as a separate entity. Pure intellect has its own "noumena," which in opposition to the "phenomena" form the objects of higher knowledge. But what were these "noumena?" mere phantoms of the mind. What is our detached pure reason? a mere myth. Man without his complicated organization has no "reason" at all, he can have no notions of a power which can only grasp the general, the abstract, the supernatural, or mere ideas without sensations and observations. In all the Platonic teachings the most important element is always the "unknown;" and all the grandiloquent systems that took their origin in the Platonic philosophy have served to retard the progress of humanity instead of advancing it. For Plato and Aristotle became for thousands of years scholastic incrustations, checking every freer flow of knowledge. On the other hand, Plato and Aristotle were necessary elements in the development of humanity. The dynamic force in humanity will never be contented with mere weights and measurements, or with so-called practical results, having mere dry and tangible facts for their basis. Our intellect will roam into the infinite, grasp the impossible, soar on the wings of speculation above mere matter, for we are justified in doing this. It is an inborn faculty, and as much our nature as the use of our limbs or the involuntary functions of our body. We must cultivate this faculty as carefully as the mere study of the multiplication table; for the striving to find union in the variety of phenomena, whether natural, spiritual, or historical, and the tracing of definite laws in the ever-changing incidents of nature and man's history, are the only means to vivify, to nourish and refresh the intellectual capacities of man if once in activity. They lead him to discoveries and furnish him with an ever-increasing amount of knowledge.

As I intend to lay before you the further results of my studies on the development of these vital elements in the

history of mankind, in treating of the subject as it presented itself in Rome during the Middle Ages, and as it works in our modern times, I can be brief with regard to Aristotle, as I shall have an opportunity to refer to him more exhaustively in discussing scholasticism during the Middle Ages. He is said to have been the first physicist. He undoubtedly did something in that direction, but, like Sokrates and Plato, he was too dogmatic to be of real positive and not merely negative service to truth and progress. In conclusion, I want to draw your attention to the great mischief that was done in ancient and is done in modern times, more especially in the study of history, by separating philosophical principles from facts, and treating facts as isolated without due regard to their connection on general principles. This produces the same pernicious effect as the separation of natural science from sound philosophy.

Our intellectual faculties are, to a certain degree, limited; who could be audacious enough to deny this? but so are our faculties to weigh, to measure, to experiment, and to investigate.

The philosophic historian has the same right to his lofty speculations as the physicist to his electric machines, the geologist to his pieces of stone, the botanist to his shrubs and blossoms, or the anatomist to his bones, sinews, and nerves. What are they all without the connecting mental power of the philosophic historian, who traces, not in isolated, but in combined facts, the slow and gradual growth of man's capacity to become a physicist. The partition wall that separated thinkers from mere mechanics or technical workers must at last fall. It can only be destroyed through a diligent study of history. Through history we become convinced that the theoretical thinker, the metaphysician, who grasps the ideal, is as necessary as the practical experimentist who pretends to deal only with matter, and that idealism and realism are not antagonistic, but completing elements in the progressive development of humanity. The physicist must arrive in his researches at certain points where he finds no answer to his

questions, where he deals, like Plato, with words. When we use such expressions as matter, force, vital energy, molecules, sentient, emotional, electricity, heat, motion, and mind, we use as many metaphysical notions as if we were to say in an algebraic or geometrical problem, a , b , c , or x , y , z . When the physicist is hard pressed and obliged to assert his power of mind over matter, he becomes at once the most determined metaphysician. The latest writings of one of our greatest physicists, (Dubois Reymond), try to bridge over the chasm between realism and idealism. Realists may talk of matter and force or motion as the origin of all things, but what is again the "fons mechanismi" that has produced matter, and endows it with motion and force? what is mind itself, that under certain combinations becomes conscious of its own self, and of matter, and of force, acting according to certain inherent laws? What is mind, showing itself in the systems of science, in the creations of art, in the mighty poetical revelations of the few chosen, if man be but a moving and moved accumulation of molecules, and nothing else,—in fact, a mechanical problem easily to be solved by a physicist? Without idealistic speculation all our knowledge would be but a heap of unconnected rubbish.

The *à priori* element of speculation is as necessary as the *à posteriori* result of research. The most important historical fact in the development of idealism and realism is undoubtedly Darwin's theory. It is as influential as the astronomical discovery of Copernicus, the laws of Kepler or Newton's theory of gravitation. It has been attacked as gross realism, and still the very basis of Darwin's theory of descent is, as his greatest antagonist, Agassiz, has acknowledged, an ideal theory, a thought engendered *à priori*. Yes, Darwin's system is based on the purest efforts of our mental force, on philosophic speculation. Those idealists who express their horror at the tracing of law and casual connection in the phenomena of nature may rightly be compared to a poor hen that has hatched duck's eggs, and stands astonished at the temerity of the tiny ducklings that take to the water. Had

they studied Kant, whom they misunderstood, or Schopenhauer, of whom they know nothing, or Demokritos and Lucretius, whom they ignore, or Oken and Lamarck, whom they do not condescend to read, they would see in Darwin's theory the outgrowth, or, according to his theory, the natural development of his powers of intellectual selection.

We strive now in all the different branches of knowledge consciously or even unconsciously, to follow Darwin's theory; not to isolate phenomena in nature, facts in history, words in languages, art-forms in æsthetics, diseases in medicine; for the more numerous the phenomena in nature, the more complicated the social conditions of man, the more puzzling the different languages in their apparently accidental formation, the more grotesque or beautiful the various forms in art, and the more mysterious the ravages of diseases, the more we require general principles in order to explain facts and phenomena, without being obliged to resort to mere chance, or any other unintelligible, arbitrary, and capricious first cause.

The safest guide through the labyrinth of ideal and real phenomena is the study of history, and we shall see how Plato led to Lucretius and the Neo-Platonists, these to the realists and nominalists, these to Bacon, and Bacon to Newton, down to our own times, in which realism and idealism, speculation and experience, are trying to form the only possible *united* basis of our future scientific and historical progress.

THE SIEGE OF QUEBEC.

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WE commonly speak of America as "the New World," and deem its grand scenery a negative illustration of the truth that human association is an essential quality in our enjoyment of natural loveliness. And the fact that we discover Longfellow at Bruges, Washington Irving "within bounds" at the Charterhouse, Motley at Dresden, and Prescott at Madrid, gives colour to this impression of prevailing novelty. But for all that, the threads of history are woven rapidly on that continent as elsewhere, and the tapestry record—the warp and woof of life—is unfolded, with its enigmas and its dramatic characters and situations, for the student's unravelling or enjoyment. There is in that New World an aristocracy that is *not parvenu*, and territory that is *not* lacking in the venerable qualities of a grand history. The discovery of the St. Lawrence river by Jacques Cartier, the counterpart in feature and in energy of our own Sir Francis Drake, his sojourn at the Indian villages of Stadacona and Hochelaga, the modern Quebec and Montreal, and his erection of a huge cross instead of an ensign on the shores of Gaspé, in claiming the future New France for Christ and the king, are as much an old-time story as that of the Spanish Armada and the game of bowls on Plymouth Hoe. From the Atlantic to the Ohio, and from Virginia to the great lakes, the land is rich in history and fruitful of romance. The exile from Grandpré and Port Royal, and the scattering of the Acadian families over the States of Pennsylvania, New York, Maryland, and Virginia, are full of heart-break to us who read the story even now, whether we gather it from the page of history or from the poetic setting of "Evangeline"; and the associations of

Forefathers Rock and the Puritan graveyard, "beautiful for situation," at New Plymouth, together with the quaint laws and customs which prevailed in that new England town, must be of interest to English-speaking people the wide world over.

In grandeur of situation, in antiquity, and in romantic association, the city of Quebec is almost without a rival on the North American continent. It was, as noted above, originally named Stadacona, an Indian word signifying the wing of a bird. After the discovery of the continent by Columbus in 1492, and by Amerigo Vespucci in 1507, there was a disposition on the part of the French to enter the country for the twofold purpose of settling it and evangelizing the natives; and among the pioneers in the work was Jacques Cartier, a mariner of St. Malo, who received a commission from the king, Francis I., and with two little ships and 120 men entered on a new and magnificent field of discovery. He made three or four voyages, pushing his way as far as the modern city of Montreal, and established stations for the promotion of the "pelfry," that is, the fur trade. Intercourse with the Indians was fostered and maintained to the period of the founding of the city of Quebec in 1608, by Samuel de Champlain, and the organization of a Trading Company, to which was attached a small band of missionaries. That Champlain's heart was as much in the religious as in the commercial enterprise is apparent in a saying of his, namely, — "*La salut d'une seule âme vaut mieux que la conquête d'un empire.*" His expedition was accompanied by four Recollets (Franciscan friars), and so early after the founding of the city as 1615, a conference was held there to establish regular worship and organize evangelical effort; and one of the Recollets, Joseph de Caron, was deputed to go into the interior as a missionary. In connection with this interesting feature the recent death is noteworthy of John Sunday, an Ojibway chief, who for forty years was a Methodist missionary among his own tribe, and was once presented to Queen Victoria, the present sovereign of his people. The foundation of the city was subsequent by only a few years to that of Jamestown,

an English settlement on the Potomac and St. Augustine, a Jesuit settlement in Florida ; and was prior to the foundation of Manhattan (New York) and Albany by the Dutch, and the colonization of Massachusetts by the Puritans.

The word Quebec is erroneously supposed to have been suggested by the cry of Norman mariners as they approached the promontory, "Quel bec!" but it is more correctly traced to the word Kebbek, in the Algonquin tongue, signifying a contraction of the waters by points of land.

The official position held by Champlain was that of a governor rather than a factor ; but in the course of his long Canadian career many changes were effected in his status, and in 1620 he was confirmed Lieutenant-Governor, under the honorary Viceroyalty of the Duke de Montmorency, the godson of Henry IV., to whom the rank had been surrendered by Prince Henry de Condé, and royal letters were issued to Champlain by the King Louis XIII. In that year he returned to his post on the St. Lawrence, accompanied by his amiable wife, many of his relations, and some emigrants. The advent of Madame Champlain was an epoch in the history of Canada. She was the first lady to set foot in the colony. The daughter of a Huguenot, M. Boullé, who was private secretary to Henry IV., she was accomplished, of great ability in adapting herself to circumstances, and though conformed to the religious faith of her husband, which was almost as extreme in its exclusiveness as that of the Duke of Guise's "League," she was eminently pious and desirous for the true spiritual well-being of the heathen by whom she was surrounded. She learnt the language, and beginning at the right end, undertook the instruction of the Indian children. The poetic tendency of the superstition of the people, the fact that a mirror was an article of a lady's "châtelaine," and Madame Champlain's loveliness of character gave currency to the conceit that she carried the likeness of each one of them in her heart. It was at this time that preparation was made for the erection of religious houses, more settled quarters for the French residents, and for a fort, which was thereafter named the Fort

St. Louis, the residence and official head-quarters of many governors, and the name of which His Excellency the Earl Dufferin would fain revive in a vice-regal residence on the brow of the American Gibraltar. About this time also two rival companies, which had obtained patents for the prosecution of the pelfry trade, were amalgamated under the title of "The Company of Montmorency." The progress of the new settlement was slow; and in 1624, when Champlain returned to France, accompanied by his wife, there were but fifty souls left in Quebec, and these were menaced by the Iroquois and subjected to much privation. Madame Champlain remained in France during the rest of her life, and on the death of her husband in 1635 retired to an Ursuline convent she had formed, and within that sanctuary died in 1654. In 1626 Champlain was again in Quebec, and two years later received a summons from Sir David Kirkt, the English admiral, to surrender the fortress. With this he refused to comply, but finally, too weak to resist, he surrendered to the admiral's brothers, Louis and Thomas Kirkt, and for three years the English held the command of the St. Lawrence. Champlain was sent to England and thence to France, but he had in his wisdom made provision for those of his countrymen left in Quebec. He obtained from the English commanders an engagement to leave the mission-houses and the house of the widow Hebert and her son-in-law, M. Couillard, undisturbed. This woman was the relict of Louis Hebert, whose name is notable in Canadian history from the accident of his being *the first emigrant* to that colony. He died shortly before the arrival of Sir David Kirkt, having established a prosperous homestead, and left his widow and daughter, in the event of not being disturbed in possession of the property, with a comparative competence. On the restoration of the colony to France, Richelieu, the superb cardinal, instituted "The Company of the One Hundred Associates," a company not unlike that of the late East India Company, and one with which lay practically the government of the vast region embraced by the fur trade. That trade was exceedingly;

valuable, realizing in one year, just immediately previous to Champlain's return after the evacuation of Quebec by the English, the vast sum of 8,000 pounds in money of that period, and it was important that the jealousy with which the English were regarded in relation to it should be impressed on the natives in favour of the French. At a great gathering of the Hurons, 500 of whom had come down in 150 birch-bark canoes to dispose of their furs, Champlain did all in his power to conciliate the Indians generally, and to induce their action in ousting the English in the pelfry traffic. In after years the tradition of French policy in conciliating the natives was a source of difficulty up to the time when Pitt ventured to trust to the neutrality of the Iroquois. The speech of a chief indicates at once Champlain's influence over the Indians and his moral rectitude. The chief said, "We entirely love you. All you say is true."

On Christmas Day, 1635, Champlain, the great, the good and the enterprising, died, and his body was laid under an edifice designated "Champlain's Chapel." The site of the grave was unknown up to 1860, two centuries and a quarter after his decease, when a vault containing a coffin and human bones was discovered in excavating for new waterworks, and evidence strongly favoured the conclusion that that was the place of sepulture of the distinguished founder of the city.

Shortly before Champlain's death, the Jesuits, to whom Champlain was attached, and to whom he left his Canadian possessions, had displaced the gentle Franciscans, and in 1637 the College of Quebec was founded by one of their order, Remé de Rohaut, a priest, and a son of the Marquis de Gamanche. To the work the founder contributed the munificent sum of 36,000 livres. "The Jesuit Relations" are the record simply of the work of the brotherhood of Jesus in the colony, but they are also valuable sources of collateral historic information on the subject of the early days of New France, and of the hardship and peril endured by the first European settlers.

The second Governor of Quebec was Montmagny, whom the Indians, in their symbolic language, named Ononthio, that

is, "mountain ;" and the king, his master, was to them "the great mountain," a physical idea of power suggesting to one's mind the expression of "the everlasting hills." He was a great and good man, and his administration was included in what is designated "the heroic period of New France." During his term of office an institution for the benefit of converted Algonquins was founded at Sillery, so named from the founder, a Knight of Malta, who had left the dissipation of the world and assumed the cowl of a priest : the hospital, the Hôtel Dieu, was established by a French duchess, one Madame d'Aiguillon, and an Ursuline school was opened for the instruction of French and Indian female children. The last was founded by Madame de la Peltrie, who herself undertook the then dangerous and arduous voyage of the Atlantic, taking with her three nurses for the Hôtel Dieu, and three Ursuline sisters as teachers for the convent.

The Indians were continually a source of anxiety. A treaty was proposed to Montmagny by the Iroquois that he should give up to their mercy, that was, withdraw his protection from the Hurons and the Algonquins. Montmagny's sense of justice as well as his perception of what was politic prevented his sanction of such a proposal, but it was not in the power of the Europeans to preserve the distinct nationality of either. Harassed by the Iroquois continually, they were scattered over the northern continent and lost as distinct tribes. A few Huron fugitives settled on the island of Orleans. In the time of the Governor Tracy these were removed for greater security to St. Foye, or Foix, and later formed the settlement of "Old Lorette," and in 1700 that of "New Lorette," seven miles from Quebec, where they yet remain. The writer of this paper has in his possession photographs of some ladies of a chief's family at Lorette, and the beauty and evident intelligence of one or two of them indicate that they must have come of a magnificent race, or that two centuries of civilization has had the effect of developing the individual excellence in inverse ratio to the decline of the nationality.

The successive governors during "the heroic period," that

between 1636 and 1663, were Montmagny, D'Aillebout, De Lausons, D'Argenson, D'Avaugour, and De Mesy ; and the characteristic feature of their administration was the hostility of the Iroquois to the French occupation. During the term of office of Baron D'Argenson an embarrassment arose on the arrival of a distinguished Jesuit, M. de Laval, who had been appointed apostolic vicar, with the episcopal rank of Bishop of Petræa. The Governor was a blunt, well-meaning old soldier, the ecclesiastic a refined, acute, and polished scholar ; and the question between them was primarily one of Church and State, De Laval claiming official precedence. But there was another difficulty at issue, in which the bishop was undoubtedly in the right, that of the traffic in intoxicating liquor among the Indians—a difficulty fairly met of late years in Canada by making the supply of liquor to Indians, by any means whatever, a legal offence. The effect of spirit on these primitive people is terribly maddening ; and it was well that the Church made an early stand against the traffic. At a period when the colony was on the brink of ruin, a conference at Quebec with some of the Iroquois—Onondagas and Cayugas—who came with a flag of truce, some French prisoners, and a request for missionaries, initiated a more peaceable and prosperous season. The inhabitants held a meeting, and one, Simon le Moine, a respected name in Quebec to this day under the form of Le Moine, “had the honour to be called upon to expose his life.” The peacemaker was a chief named Garakouthie, and the pledge he gave was faithfully maintained. Other tribes of “the Five Nations,” the Mohawks and Oneidas, were troublesome, not feeling themselves bound by the treaty of the Onondagas and Cayugas ; but the arrival of regular troops and emigrants from France, combined with poverty and the ravages of small-pox among the Indians, afforded a long respite to the little European community. The settled part of the colony was divided into parishes, and a seminary was instituted at Quebec for the training of youths for holy orders, and to furnish *curés* for the parishes.

In 1663, Louis XIV.—finding the “One Hundred Associates” unequal as a company to administer the government—constituted in Canada, as Queen Victoria did within late years in India, a royal government; and from that time forward for a hundred years the history is more of Canada and less of Quebec. The new constitution consisted of a supreme Council, including a Governor, Bishop, Royal Intendant, Attorney-General, Chief Clerk, and Councillors. The Governor was the representative of the king, and directed all military and external affairs, while the Intendant was a domestic official having charge of police, finance, and the administration of justice. That year, 1663, was one of remarkable phenomena. Earthquakes were frequent, and there was an almost total eclipse of the sun; but the most startling occurrences were the appearance over Quebec of a globe of fire, which illumined the place at night as with the light of day, and of two mock suns with crowns of vaporous matter. To the red men these were portents of evil; and they might have been so deemed by the Europeans could they have foreseen the evil days which were to follow. Through the reigns of Louis XIV. and Louis XV. the colony of New France increasingly reflected the gaiety and luxury of the court at Versailles, until, 100 years from the appearance of the signs in the heavens over the city of Quebec, the French *régime* came to an end under the Treaty of Paris in 1763.

A great event in the history of Imperial Britain was the capture of the ancient fortress of Quebec. It marked an era in British America, and was of momentous import to the Gallic settler, the Anglo-Saxon colonist, and to the dusky native from the Atlantic to the Ohio river.

Wandering over the rich pastures and among the fruitful orchards which crown the hills commanding the Alleghany river between Pittsburg and Oil City, a few years ago, I met a young farmer on horseback. The trappings of the horse seemed incongruous with the plain homespun attire of the rider. The bridle was a cavalry one, and, though not as bright and clean as that of a life-guardsmen, it gave to the

horse's fine head the martial appearance which is much more attractive than the simple ordinary equestrian head-gear. The saddle also was a military one, and the rider's feet rested in slipper stirrups like an Arab's, but with the leather well over the front of the irons to protect the feet from entanglement in going through brushwood. The youth had served in the recently preceding war, with the army of the Potomac.

Descending the precipitous hillside to the river valley, there was spread out before me a scene of exceeding loveliness. A turn in the rough pathway commanded through an opening in the trees—an opening like that of a gateway in a Devonshire lane—a broad reach of the placid river. Far off, over the fields and the woodlands of the opposite shore, the sun was descending in the cloudless glory so common in America but so rare in the moister atmosphere of the sea-girt islands of Britain; and the clear, smooth and mirror-like water duplicated the pale green, rosy yellow and the deep crimson of the sky, but softened the beauty which it could not perfectly reflect. Along the eastern shore the trees, gorgeous in their autumnal tints, lent their bright hues to the river, save in the darker recesses of the bank, where the shadows were purple, grey, or deep sienna.

The scene is a type of the wealth and beauty of the State of Pennsylvania and its sister States of Virginia and Ohio—a type of the paradise which God left them.

The horseman, plucking an apple as he rides along a lane among the orchards, represents an historic fact—to wit, that this tract of country, in virtue of its being the portal of the great West, has been, from the earliest European occupation of the Continent, a theatre of war; and the city standing at the confluence of the Alleghany and Monongahela rivers—Pittsburg, the manufacturing metropolis of the United States—is the memorial of the English statesman under whose administration both the key of the east and the portal of the west were won for Britain and the British.

The eighteenth century was pre-eminently a period “of

wars and of rumours of wars." In Europe, India, and America the English were contending with the French, and with only indifferent success. When the century had reached its sixth decade, however, a change for the better was wrought by the instrumentality which the genius of Pitt directed. There is no need to touch on the political exigency which made "the Great Commoner" the virtual head of the Government—though the Duke of Newcastle was so nominally.* Sufficient that he was the man of the hour; or, as he himself said to the Duke of Devonshire, "my lord, I am sure that I can save this country, and that nobody else can!" The boast was that of a patriot conscious of power rather than that of a vain egotist. Lavish of money, but a niggard in patronage, Pitt removed every incapable officer in the army and the navy, and in their places appointed men without regard to seniority or to political bias, some of them of humble rank, but who possessed ability, and were willing to apply it without slavish attachment to precedent. His wisdom was quickly vindicated at Goree, Guadaloupe, Ticonderoga, Niagara, and at Fort Louisbourg.

The condition of the colony of New France under Louis XV. expedited its transfer to Anglo-Saxon rule. The corruption, rapacity and luxury, of the official class was only equalled by the servility and degradation of the *habitants*. From Cape Breton, along the St. Lawrence and the great lakes to the valley of the Ohio, New France was one marked contrast to the prosperous colony of New England. On the one side tillers of the soil forced from their labours to military service; the scanty produce of the country purchased by Government contractors at a mere fractional price of its real value; and freedom crushed by an unsuitable application of the feudal system. On the other hand, a militia drawn with due regard to the requirements of the country; commercial equity observed between the Government and subjects; and a people withal who had been gently nurtured to a sense of independ-

* Dr. Miles and Mr. Mc. Mullen, historians of Canada, both fall into the error of implying that Pitt was the first Lord of the Treasury.

ence, and political and religious freedom—freedom which they claimed to the fullest extent a few years afterwards.

The Governor of Canada, in 1759, the date of the siege, was the Marquis de Vaudreuil, the son of a former and a worthy governor, a man without the strength and character necessary to cope with the corruption by which he was surrounded; indeed, reared under the pernicious influence of the court at home, he was only too ready to aid, at least tacitly, the brilliant profligacy which reflected French royalty at the seat of Government in Montreal. But the central figure in the Government, and the man who most fully illustrated the evil in high places, was Francois Bigot, the thirtieth and last intendant of New France. This official, handsome, valorous, graceful in deportment, energetic, a lover of display, a gamester and unscrupulous, formed about him a court as vicious as if the beautiful Ninon herself had bestowed upon him the favour of her presence. The star which brightened Bigot's house at Quebec was Madame Pean, the wife of a subordinate. This woman, who held the intendant in bondage to herself, was young, vivacious, full of spirit, ladylike in demeanour, gay and amusing in conversation, and very beautiful. It was in her favour alone that employment or preferment could be found; and so capriciously did she exercise her power that neither ignorance nor mean birth and station were obstacles to her good-will. Servants, lackeys, and men of low degree consequently rose in the service of the State, and the famine-stricken people suffered still further under the rapacity and arbitrary rule of these creatures. Play was high at Government House in Montreal, but gambling was reckless at the intendant's court at Quebec. Of course Bigot trafficked in commercial monopolies—that was no more a novelty then than it is obsolete now. With an income by no means adequate to his high station nor commensurate with the expenditure in which his extravagance involved him, he rendered his name for ever execrable by his frauds, his extortions, and his tyranny. Sitting by the side of the beautiful Madame Pean, with from ten to forty gamblers at the

same hazard table, he would set off a loss of two hundred thousand francs by selling to his Government an English prize ship, which had cost him 800,000, for a couple of millions.

The intendant's palace, the ruins of which remain to this day, was an edifice remarkable for its great dimensions, its magnificence, and its ornamental grounds. A distinguished French writer, in speaking of it directs a sneer against Bigot in a happy play of words. Louis XIV., on the advice of his Intendant De Meulles, squandered vast sums for the erection of a stately palace where "*la justice française se rendait et plus tard, sous Bigot, elle se vendait.*"

It was no wonder that under this administration, of which Bigot was an illustration and ordinary representative, the people, oppressed by a feudal land tenure, dishonest public servants, and knavish trade monopolies, looked longingly towards the prosperous homesteads of New England ; towards those who were enjoying the success which had come from intelligent self-government, industry, and a love of justice as between man and man : no wonder either that national energy was paralyzed by the disease which fed on the heart of the country, as that disease was personified by the French officials and their ignoble favourites.

Amid the darkness of the time, Montcalm, the French commander-in-chief, shines as a man of nobility, courage, self-sacrifice, and fidelity.

In military matters previously to Pitt's becoming Secretary of State, the French had shown activity and foresight, the English indecision and delay. New York State was in jeopardy ; the English had been driven from the Ohio and the great lakes ; the British frontiers were beset by scalp-seeking savages in the employment of the French ; and the trade of the West found its outlet by the St. Lawrence instead of the Hudson. The recall of Lord Loudan, an incapable officer, was due as much to the discretion of the minister as to the indignant protest of the public ; and it would have been well if his junior, Abercromby, had been recalled at the same

time. A favourable turn of affairs in 1758 was indicated by the evacuation of Fort Duquesne, the present city of Pittsburg, on the approach of Forbes, with whom was George Washington, and the flight of the French commandant down the river to the friendly settlements of the Mississippi; and by the capture of Frontenac, the present city of Kingston, the most important fortress and harbour after Halifax and Quebec, by Bradstreet, an able and valorous officer of Abercromby's brigade.

The new appointments included Colonel Amherst, who was gazetted major-general and commander-in-chief of the American army, and Whitmore, Lawrence, and Wolfe as Brigadier-Generals. The last-named was but thirty-one years of age, though he had seen eighteen years' service, but he fully vindicated Pitt's confidence in his ability and bravery, and justified his appointment to a high and responsible command. With Admiral Boscawen he invested and stormed Fort Louisbourg,* compelled the surrender thereof by De Drucour, and captured immense stores of provisions and ammunition, and eleven stand of colours. These latter were ultimately laid at the feet of the king at Kensington Palace, and then taken with great ceremony to St. Paul's Cathedral, "amid the roar of guns and kettledrums," wrote Lord Macaulay, "and the shouts of an immense multitude." The capture of Louisbourg closed Canada on the Atlantic seaboard; the occupation of Fort Duquesne gained the friendship of the West Country Indians, and interrupted the communication between Canada and Louisiana; and these two, combined with Bradstreet's victory at Frontenac, won for that British that territory the possession of which had been the original occasion of the war. The year 1759 was to see the crowning victory of all in the conquest of

* Of the Duke of Newcastle's ignorance many anecdotes remain. "Oh, yes, yes, to be sure, Annapolis must be defended—troops must be sent to Annapolis. Pray where is Annapolis?" "Cape Breton an island! wonderful! show it me in the map. So it is, sure enough. My dear sir, you always bring us good news. I must go and tell the king that Cape Breton is an island."—*Macaulay's Essays*.

the fortress of Quebec, and the consequent capture of Montreal and the subjugation of the entire province of Canada. The new year was dark and gloomy to the French. Neglected tillage and the sustenance of large armies had tried the country sorely, and gaunt and hollow-eyed famine stalked through the land. Horseflesh was eaten by the troops at Montreal and Quebec.

The unfavourable turn in the affairs of New France had come ; and a Council of War was convened at Montreal. Montcalm was appointed to the command at Quebec ; Bourlemaque was to go to Ticonderoga to prevent the advance of the British under Amherst by way of Lake Champlain ; and De la Corne was sent westward to prevent a descent from Frontenac, Oswego, or elsewhere by the St. Lawrence river.

On a night in June of that year there flared from Father Point—where now is an electric telegraph station which heralds the royal mail steamers—the beacon fire which, repeated from point to point and shore to shore of the great estuary, signalled to Quebec that the English fleet was in the offing. And if that telegraph could have been more explicit it might have added that on board the flag-ship was a youth terribly in earnest, one who was at once soldier and saint ; and America has afforded not a few instances of men who, adding to the qualities of obedience and aggression that of integrity towards God, have proved that, while bloodshed might be incidental to their progress, victory was certain.

The approach to Quebec, a port 700 miles from the sea, the ancient Indian village of Stadacona is perhaps one of the finest scenes in the world.

As the ship moves up the broad waters, the promontory on which the city stands is seen rising boldly against the horizon. On the crest are the citadel and upper town ; below is the lower town. The streets of the latter are narrow, some of them so much so that Monsieur Lemoine compares them to Alpine passes ; and many follow the line of the original Indian trails which wound to the upper town. The gabled roofs and spires are high-pitched, and these, covered with

tinned iron, glisten in the sunlight like burnished silver, or like "the eye of polished brass." Over the port bow on the south is the St. Lawrence river and Point Levi, the latter a *dépôt* of the Grand Trunk Railway and the disembarkation stage of ocean steamers ; on the starboard, to the north of the city, is the river St. Charles ; and to the north of that again the pine-clad mainland, dotted by the white houses of the villages of Charlesbourg and Beauport, extending to the Montmorency river and the far-off highlands of the Saguenay. Opposite the mouth of the Montmorency is the island of Orleans, and from the deck, as the vessel passes through the North Channel, may be seen the magnificent falls of the Montmorency, where the immense volume of waters make a leap of 300 feet.

In June, 1759, as we have said, came to this grand theatre of war the fleet of his Britannic Majesty—fifty ships of the line, under Admirals Saunders, Holmes, and Durell. These were the transports of upwards of 9,000 soldiers and marines, commanded by Wolfe and his junior officers, Monckton, Townshend, and Murray. For eleven weary weeks they lingered here, finally accomplishing their mission in a fight which lasted only fifteen minutes.

Under date of June 27th, one chronicler writes laconically,—

"27th.—Weighed with a fair wind, came to anchor opposite the Isle of Orleans, about three leagues from Quebec. The whole army landed. A violent gale of wind and rain, which did great damage to many of the transports ; they lost above ninety anchors and cables. A ranger killed and scalped, and a stake drove through his body. The whole army encampt."

Wolfe's head-quarters and the base of operations were fixed at the Island of Orleans, with Monckton's brigade on the south shore of the St. Lawrence at Point Levis, from which the French were first driven, and where batteries and redoubts were erected ; and with Townshend's on the north shore, east of the Montmorency river.

Quebec itself was deemed impregnable. The promontory, with its crest then bristling with cannon, terminates abruptly and precipitously ; and thence the high ground extends for some miles westward above the valleys of the two rivers, away toward Sillery and Cape Rouge, the banks on either side being steep declivities. Immediately behind the city westward are the Plains of Abraham.

The point of defence, therefore, appeared not to be the city, but the strip of northern mainland from the St. Charles to the Montmorency ; and it was there that the French force was concentrated. The Governor, the Intendant, and Montcalm, the commander-in-chief, had their head-quarters at Beauport. Between the last and the others, his *confrères*, there was but little kindly sympathy.

Bougainville, one of the French generals, took up his quarters with 3,000 men at Cape Rouge to prevent an improbable attack in the rear of Quebec by a force landing under the almost unscalable declivities of the St. Lawrence shore ; and so improbable did he deem the contingency that he ultimately permitted that which he was sent there to frustrate.

Access to the channel of the St. Charles was rendered impossible by the formation of a boom across the inlet, guarded by cannon-mounted hulks. Above the boom was a bridge of boats for communication between the city and the French head-quarters.

As soon as the bombardment commenced from the men-of-war and the batteries at Point Levis the condition of the city became pitiable. The lower town, occupying the alluvial flats at the base of the promontory, and which then, as now, was crowded with houses, commercial, municipal, ecclesiastical, and domestic, suffered first ; and falling ruins and devastating fires were of hourly occurrence. Panet, in his journal of the siege, says that the lower town was nothing but a heap of smoking ruins, and by the 8th of August it was a brasier—a fierce conflagration. This date was fatal to the well-being of Quebec. Such of the people as could do so, especially women

and children, moved off to the more merciful woods, to live in huts and caves as best they might ; taking with them their cattle, and subsisting chiefly on flesh and milk, but without bread. And all the time, there across the water at Beauport the cards shuffled and the dice rattled, a kingdom for a stake.

The moving of the English squadron in those comparatively unknown waters and among the shallows to meet the exigencies of the siege, was a work of great difficulty ; and many "jolly tars," afterwards famous in history, there showed the mettle they were of. Such were young Jervis, the future Lord St. Vincent ; Robinson, the subsequent Edinburgh professor and the coadjutor of Watt the engineer ; Palliser, afterwards Admiral Sir Hugh Palliser ; and last, but not least, James Cook, the great circumnavigator. There is a simple record of a boat going to sound between the island and the mainland with a lieutenant on board, who sounded the narrow pass between the island and the enemy's encampment, and was cut off by forty or fifty Indians in birch-bark canoes, who carried off one sailor who was wounded. The lieutenant and the rest escaped. This lieutenant was James Cook, and he saved his life by just a boat's length, for as he went out of the bows to the friendly shelter of the English pickets, the Indians scrambled in at the stern. He was reserved for a great and useful career, and his tawny pursuers had to content themselves with a man-of-war's boat instead of a mariner's scalp. He it was too who placed buoys along the shallows to which reference is made hereafter.

The first attempted battle was "the fight of Beauport flats." Like his great rival, Wolfe deemed that the scene of the struggle for the capture of the city and the acquisition of Canada for the King of England would be on the northern shore where the French were encamped. The advantage of the French position was in its almost impregnability. It was fortified by batteries, entrenchments, and the rest : in the rear it was open to the country for the supply of the Commissariat : it was edged by shallows which prevented the approach of

ships of heavy tonnage ; and the facilities for the disembarkation of troops from boats were few.

However, Wolfe judged there was no alternative, and decided to draw the enemy into aggressive as well as defensive action if possible. Near the mouth of the Montmorency river, the boundary between the French army and Townshend's Brigade, the water was shallow, and fordable at low tide. Cannon were placed on the English side, low down by the shore, and on an eminence which commanded the outlet. The first object of attack on the French side was a rival battery.

On the last day of July, when the sun was near the zenith, the *Centurion*, a fine man-of-war of sixty guns, moved slowly from her division, anchored over against the Beauport flats, and began the cannonade of the French encampment, adding the report of her fire to the boom of the guns which came over the water from Point Levis. Two small vessels, also armed, ran into the shallows, and as the tide receded became stranded. Then a thousand boats and barges plied as fast as strong arms could row ; and, amid the din and smoke and roar of the bombardment, dropped the troops in the shallows to wade to shore in battalions over the rough and rocky beach. The Grenadiers and the 60th Royal Americans were the first to land, and they should have formed in columns, and have waited for the main body, then preparing to cross the ford, to follow and support them ; but the blood of the veterans and the young bush fighters was up, and the French having vacated their battery and retired behind the entrenchments, these foremost men, not even waiting to form, rushed madly and in confusion forward to within range of the enemy. With what result can easily be imagined. Men and officers fell before the scathing fire ; while some, scrambling over the dead and dying, beat a retreat to the landing-place, where Monckton's division was drawn up in admirable order, waiting the word of command to march. Wolfe ordered the impetuous and unruly remnant of the attack to retire to the rear and form in columns, as they should have done at first ; but the mischief was complete, and the design of an open battle had to be

abandoned. The gathering darkness, the rising tide, the surge angrily beating on the rocky shore, the breaking storm-clouds, all warned the troops away. And so the lumbering *Centurion* returned to her division, the stranded vessels were blown up, and the troops retired to the darkness of their camps and to the gloom of conscious failure. An historian who was present before Quebec gives a corresponding account of the engagement.

"*July 31st.*—About twelve o'clock the *Centurion*, a 60-gun ship, came down at high water with two transports, which last were laid ashore opposite the enemies' batteries. A cannonading began from our encampment at Montmorency on the enemies' lines, and from the shipping on their batteries; the Grenadiers of the army, with two battalions of Monckton's brigade, and a detachment of 200 men of the 2nd battalion of Royal Americans, were ranged in boats ready to push ashore at low water. The five regiments here were under arms. The enemies' fire from their batteries on the beach did considerable damage to the boats; they wounded several officers, and killed and wounded a good many men. About five o'clock the Grenadiers landed, and the troops followed; we marched across the Falls, viz., Townshend's brigade, Otway's, Anstruther's regiments with the Light Infantry, who first had reconnoitred the ford and found no enemy there. On our march a heavy clap of thunder brought on a violent shower of rain with a high wind directly in our faces, which retarded the part of the army from this place for about a quarter of an hour; when all cleared up, it appeared the Grenadiers marched before the rain and took possession of a battery and a redoubt on the beach; but the heavy fire from the entrenchments on the top of the hill obliged them to retire. The rain had made it impossible to mount the hill, or rather precipice, in the face of their lines, on which the General ordered a retreat. The enemy cannonaded us in our retreat, but with little damage. The two armed transports were set on fire. We lost in the whole action about thirty officers, one only of whom killed on the spot, and 400 men killed and wounded. The impetuosity of the Grenadiers and their not waiting for orders, it seems, in the opinion of the General, occasioned our repulse."

There was much in the misadventure of "the fight of Beau-

port flats " to damp the ardour of the most sanguine nature : and to that was now added the illness of the man in whom the confidence of the army was centred, that of General Wolfe. There in his tent on the Island of Orleans he lay battling with fever ; and though may be anxious thoughts of the old home and the dear ones there, and a presentiment of that purer home to which he would attain, albeit by a blood-stained field, would obtrude themselves, his active brain was planning a change of the order of attack. While yet too feeble to join their debate, he assembled his officers to consider the situation, and to advise with them on the future course of action. Without faltering—to their honour be it spoken—he and they faced the seemingly impossible, and with what crowning result we shall discover.

As we have said, Bougainville was quartered at Cape Rouge : and at Sillery he had planted a four-gun battery in anticipation of that remote contingency which had framed itself as an immediate probability in the minds of the officers in conference on the Island of Orleans. Immediately after the conference a great activity marked the operations of the English. Under cover of the darkness of night, Admiral Holmes with General Murray and 1,200 men moved up the St. Lawrence, menacing the ammunition and provision stores at Point aux Trembles. While here they were met by the cheering news derived from some prisoners whom they took, with a great number of cattle, that Niagara had fallen, and that Amherst, having captured Crown Point, had moved down on Bourlemagne at Isle aux Noix, and might be expected to effect a junction with the army before Quebec. This last was accompanied by the information that two of Amherst's officers and four Indians had been intercepted, and were prisoners on board a frigate up the river. The news flew from ship to ship and tent to tent ; and the continuous cannonade from Point Levis sounded, in the ears of the now hopeful soldiery, like a minute gun over the fall of the ancient fortress before them.

On a day of that eventful year there came to England two despatches, under date of September 2 and September 20,

from Wolfe and Townshend respectively, the one speaking of what might be, the other of what had been; the latter conveying to an anxious public the at once sad and joyful intelligence that he who had planned wisely had accomplished successfully, but in accomplishing had died. A day of glorious memory! of sadness for the loss of the great and good James Wolfe—of triumph over the acquisition of the future Dominion of Canada.

On the night of September 12th Montcalm was at Beauport. Shots were heard far up the St. Lawrence, beyond Quebec, away towards Sillery; but these troubled not the gallant Frenchman, for an expected convoy of provisions from Cape Rouge would account for them: but that which did trouble the watches of that night was something gentler than cannon or musket shot—the gurgling of water against the gunwales of boats, the grating in the rowlocks, and the ceaseless splashing of oars. And anon there loomed in the dim light the magnified forms of frigates and sloops of war taking up their line beyond the shallows, as if to cover the disembarkation of troops as soon as the sun gilded the horizon; and all through that night boats and barges innumerable, freighted with sailors and marines, stole from Point Levis and from the Island of Orleans to the shallows by Beauport. All predicted a bloody day, but not there, Montcalm! not a second disaster at the same unlucky spot!

As the sun trellised with gold the pines beyond the Saguenay, and tipped with dazzling brightness the curved crest of the Montmorency Falls, a horseman might have been seen at full gallop along the road from Beauport to Quebec, the rider flushed and excited, the horse covered with foam, bleeding from spur wounds, and his mettle tested to the utmost, for on endurance of rider and of steed peradventure hung the issue of a battle and the government of a king. On they flew, the horse warming to his work, and answering his master's knee rather than the bit, over the bridge of boats, through the city, out into the country, along the St. Foix road, still at a breakneck pace, with despatches to Cape Rouge.

And along that same Beauport road from the French trenches there followed other riders, striving as it would seem to overtake and outride that former one ; but these were gayer in their attire, accoutrements, and trappings, and the serious cast of their faces bespoke a heavier responsibility than that of aides-de-camp or orderlies. The first of the group was Montcalm, and with him was his staff. They, too, passed over the bridge of boats through the city, and as they reached the plains the sun rose higher to mark a blood-red day in the annals of British America.

The English general's ruse to gain time had succeeded, and the deception of his worthy rival—and he, too, as watchful as the son of Arestor, "the all-seeing"—was complete ; and as the boats, filled with sailors and marines, thronged the Beauport shallows in the early morning, waiting apparently for break of day and the receding tide to again attempt the French entrenchments, men-of-war were taking up their positions near Sillery, and barges filled with soldiers were crowding the St. Lawrence to the point on which Wolfe had determined for a landing-place, a cove to which he bequeathed his name. In the deep darkness immediately preceding the dawn, Wolfe, Monckton, and Murray, with about 1,600 men, landed and scrambled as best they could, and as quickly as the dislodged loose earth and stones would permit, up the steep declivity. The hill was almost perpendicular, and the attempt was therefore unsuspected by the French, who had there posted a captain's guard only. When the alarm was given, the enemy fired from the hill and bushes on the boats, doing some damage. Bougainville and his 3,000 men were probably lost in slumber, dreaming least of all of that silent body of men marching up to his four-gun battery at Sillery. This was captured and occupied by a small detachment ; a six-pounder was dragged by sheer strength and with difficulty from the place of disembarkation ; some of the aforetime impetuous 60th Royal Americans were left in charge of the cove ; and by about eight o'clock on the morning of September the 13th nearly 5,000 British troops

occupied a safe position on the high ground, and formed in ranks ready for the word of command. "Then," as one of the chroniclers simply says, "we faced to the right, and marched by files towards the town till we came to the plains of Abraham."

Eastward of the plains lay the city of Quebec and the French army—a mixed crowd, but over 7,000 strong; to the north, the St. Charles' river and a fringe of bush; to the south, the St. Lawrence, with its steep declivities; and to the west, the British army drawn up in line—Murray in the centre, and Townshend and Monckton to his left and right respectively. The line of Montcalm's troops formed an obtuse angle, with their rear towards the city and the St. Charles. The bush on the north covered Indian and Canadian sharpshooters; and to protect his left flank from these Townshend wheeled three battalions to face the north, and occupied a few houses standing there, which afforded good cover. Across the field of battle were two main thoroughfares—the St. Foix and the St. Louis roads.

The battle began with a slight repulse to the English. The light infantry deploying across the plains were met by French skirmishers and Indians, advancing among bushes and little hillocks, and driven back on their supports, causing temporary confusion in the front line. The preliminary desultory fire and skirmishing proceeding between the two armies to the advantage of the French, Montcalm drew troops from his right and centre to strengthen the left wing, that overlooking the St. Lawrence, for it was on his left wing, and by attacking the British right, that he depended for success. Amid the smoke which now beclouded the field, and the excitement consequent on the first repulse, Wolfe walked along the disorderly front line, his wrist bandaged with a handkerchief to stanch a bleeding wound, uttering words of encouragement, assurance, and command. The effect of the presence and words of their idol was electrical, and the red-coats fell into the ranks and shouldered their muskets as if on parade or at a birthday review, and as if the smoke were from blank

cartridges. There they stood, while onward came the French steadily and quickly, and firing as they came. It was a terrible moment, and a severe test of courage, discipline, endurance and pluck ; but not a musket was raised, not a man moved to the "present," until the enemy, still pressing their serried ranks forward, came within forty paces ; when, as the word of command ran along the line, the sure, certain, and deadly fire broke. Then the previously immobile and compact British columns moved forward, Wolfe at the head of the Grenadiers and the 28th regiment, the same corps whose grim veterans and laughing youths, as they appeared at Quatre Bras, has been immortalized by Miss Thompson in her last Royal Academy picture. The French left wing, the strength of the army, faltered, broke, and then fled towards the city. Montcalm behaved splendidly in seeking to rally the retreating host, but without avail. Onward came those terrible columns, with their general still in the front, but faltering now, for he carried a bullet which had inflicted a mortal wound. The French centre wing stood, but only to cover the retreat of either wing, and so secure the retreat of the whole army. The right wing rushed to the St. Charles' river, and to the St. John's Gate leading to the city ; and at this latter there was a conflict for the passage between these and fugitives from the left. The centre held together as long as might be, but nearer and nearer came that scarlet line—Grenadiers, the 28th, and the rest,—but not that one whose genius and whose prowess had effected the victory. Struck by a third ball, and this time in the breast, his face towards Quebec, he fell ; and strong arms, as gentle as woman's, lifted the hero and carried him to the spot where now a monument rises to his glorious memory—a column as radiant in its record of patriotism as ever graced an English-won battle-field. The fight was yet at its hottest as they bore him thence, and the ominous words of flight reached his ear. As they laid him down they told him it was the French who fled. "What, already?" said he ; "now God be praised, I shall die in peace;" and he died as only a hero can.

Almost his last words, like those of the noble General Brock, who fell in like manner half a century afterwards on the bloody heights of Queenston, within sound of Niagara's falls,—almost his last words were a command, namely, for Colonel Burton to cut off the retreat at the bridge of boats. Montcalm, too, was wounded, but held bravely on, as if, in his own despairing phrase, he would fain be buried amid the ruins of the colony he had defended so well ; and by the force of his example and the firmness of his deportment he sought, too vainly, to arrest the retreat so ignominiously begun. The advance of the British, however, now at a quicker pace and with redoubled fire, could not be checked ; and as the “ red-coats ” prepared for the charge with sword and bayonet, a panic seized the enemy ; the attempt at a second formation of the broken centre wing, failed ; a brief stand at St. John's Gate, and then the whole army beat a precipitate retreat to the St. Charles and to the city. The British captured one field piece, and with this and the six-pounder they had brought with them they hailed grapeshot on the disorderly and running crowd.

As the French retreated, Bougainville, with his 3,000 men, advanced from the west—advanced only to again retire to beyond Cape Rouge. And as the day closed Townshend gathered the troops together on the plains, and gave them the first intimation that their general was dead.

Montcalm died the following morning at the General Hospital, which building was taken possession of by Townshend just at the hour of the decease, and the respect paid to the remains of a gallant foe was characteristic of the soldiers, whose earliest employment after the victory of the plains was to minister to the necessities of the starving people of the city.

Monckton was severely wounded, and the command devolved on Townshend and Murray ; and these hastened to secure the victory gained, and to prepare for the next step. This was an easier one than they had anticipated. There has since been much talk of what the French Governor, Bougainville, and the rest, might have done in re-organizing the army and

saving Canada ; but this remains, that M. de Ramezay, the officer in charge at Beauport, deemed the situation hopeless.

On the 17th of the month, therefore, an officer presented himself at the English head-quarters, bearing a flag of truce ; and on the 18th the Articles of Capitulation were signed by Admiral Saunders, Townshend, and Ramezay.

The day after the battle the following address was issued by General Townshend to the army :—

*“Camp before Quebeck, Friday, 14th Sept.—*The Genl. officers remaining fit to act take ye earliest opportunity to express ye praise which is due to the conduct and bravery of ye troops ; and ye victory which attended it sufficiently proves ye superiority which this army has over any number of such troops as they engag’d yesterday. They wish the person who lately command’d them had survived so glorious a day, and had this day been able to give the troops their just encomium. The fatigues which the troops will be oblig’d to undergo to reap the advantage of this victory will be supported with a true spirit, as this seems to be the period which will determine in all probability our American labours.

“The troops are to receive a gill of rum per day, and will receive fresh provisions the day after to-morrow.

“The regts. and corps to give in returns of ye killed and wounded yesterday and ye strength of their corps. The pioneers of the different regts. to bury ye dead ; the corps are to send all their tools not immed’y in use to the Artillery park. All French papers or letters found are desir’d to be sent to headquarters. No soldier to presume to strole beyond the outposts. Arms that cannot be drawn are to be fired into the swamp near headquarters. The Admiral has promised ye continuance of all ye assistance which ye Naval service can spare to ease ye troops of ye fatigues which ye further operations will require of us. Genl. Townshend has ye satisfaction to acquaint the troops yt Genl. Monckton’s wound is not dangerous.”

The closing scene in this stirring drama was occupied by two men-of-war. The one, a frigate, we see drifting before a storm along the coast of New Brunswick, and under stress of weather finding shelter in the hitherto unknown river, the Miramichi, an Indian name which, being interpreted, means

"The Happy Retreat,"—a type of rest after life's fitful dream. On board that frigate lay all that was mortal of James Wolfe.

The other royal ship slowly and, as it were, sadly passed down the great river amid drifting ice, and vanished in the dim distance towards Anticosti. On board of her was a king's messenger with despatches to Versailles, to announce that the last die was cast—the last trick turned, that political corruption and court favouritism had wrought their inevitable results, and that the French *régime* was for ever ended on the shores of the St. Lawrence. those shores which had been so proudly won by the great Jacques Cartier long years before, and held by him in the name of Christ for his Catholic Majesty the King of France.

At either end of the north transept of Westminster Abbey are reared two lofty monuments—fit tributes to the memory of General Wolfe, and Pitt, Earl of Chatham. But at either extremity of an aforesaid British colony stand nobler records of noble deeds—Quebec, the key of the East; Pittsburg, the portal of the West. The conquest of New France was followed by results in the history of civilization with which no chimerical dream of prophet or of statesman can compare. Renewed interest in the soil, a sense of security in property, the rapid development of the country's vast resources, and conditions which made labour sweet, all tended to the creation of that Greater Britain of to-day—a creation which, stretching from the Atlantic to the Pacific, and from Georgian Bay to the Gulf of Mexico, far exceeds the wildest prevision of the great French discoverer, as he wintered there hard by the Indian village of Stadacona, under the cold, bright blue sky of day, and the rosy aurora radiance of night. If to the hardihood of the discoverer and the prowess of a soldier be added the gift of the seer, that giant hill,—

"The landmark to the double tide
That purpling rolls on either side,
As if their waters chafed to meet,
Yet pause and crouch beneath her feet."

that hill must have been to him, as it must have been to the later soldier who died there, less a fortress than a symbol: a type of the future invincible, the all-absorbing and boundlessly wealthy empire; the empire of an English-speaking people, whose king—whatever their local form of government—should be the creation of the voice of the people, and whose people's voice should be, in its truth and majesty, the voice of God.

The following lines on the death of General Wolfe appeared in 1760, and are noteworthy less as a meritorious tribute to a great man's memory than as indicating the popular ignorance of the time in all extra-insular matters. No mention is made of the grand scene of his death, nor of the dramatic events incidental thereto; and their insertion here can therefore be excused only on the ground of their reflection of the general esteem and prevailing admiration felt by the people of England immediately sequential on the event.

“Amidst these loud acclaims which rend the sky,
What means the startling tear—the deep-felt sigh?
Wolfe is no more—a name by all approv'd,
By princes favour'd, by the people lov'd.

Was it for this he left his native land,
A savage race to seek, and barb'rous strand?
Eager his sov'reign's orders to obey,
For this, with speed, to cut the liquid way?
Coolly, for this, unnumber'd dangers dar'd,
And the same toil, the chief, the soldier shar'd.
For this, judicious form'd the glorious plan,
Which prov'd the hero, prov'd, too plain, the man.
Alas! too plain: in yon remorseless grave
There view the wise, the generous, and the brave!

No more the trumpet's kindling sound shall warm
That breast to war!—no more the battle charm!
The soldier, fir'd by him, shall catch no more
The glorious flame. Alas! his race is o'er.
Yet for a moment hold the closing tomb!
Think, for his country pleas'd to meet his doom;

For her, the foes superior force withstood,
And dy'd the soil he conquer'd with his blood.

But how shall Britain her regard express ?—
How charm the mother's grief, the fair's distress ?
Bootless alas ! it nought avails to tell,
In life though early, ripe in fame he fell :
No charm the fair's, the mother's grief can heal !
Their cure alone from time's slow hand must steal.

For thee, brave man ! mix'd with the private woe,
In grateful streams a country's tears shall flow ;
Proud to applaud unsullied worth like thine,
Each feeling heart, each generous muse, shall join.
To thee shall rise the monumental pile :
(Sacred thy name while lasts Britannia's isle,)
To children yet unborn their sires shall tell
How greatly Wolfe design'd—how bravely fell.
In peace he died, and glorious shall he rise
(For surely worth like his must gain the skies !) ;
Laurels unfading here shall grace his tomb,
Immortal bliss await in worlds to come."

PASSAGES IN THE LIFE AND REIGN OF HAROLD, THE LAST OF THE SAXON KINGS.

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THERE is a singular story accompanying the eventful life of Godwine, the father of Harold,* which is given by Mr. Freeman as gathered from the "half-mythical" chronicles of Ralph the Black, a writer who flourished early in the thirteenth century. He tells us how Cnut in a jealous fit sent Godwine to Denmark with letters, requesting those officials to whom they were addressed to cut off the bearer's head ; but Godwine was too shrewd for his master, and like the "messenger of Pausanias" read the letter by the way—"expalluit novus Urias," which let him into the light of the awful secret. The legend goes on to show how, naturally enough, he recovered himself, and cleverly substituted other letters, which bore a different burden, directing the Danes to show great kindness to him, as he was a regent, and to give him the king's sister in marriage. The scheme appeared to answer, for all was satisfactorily carried out ; and Cnut is said to have put the best face upon the matter ; he received Godwine as a brother, and gave him the rank of "consul."† A writer of the eleventh century speaks very contemptuously of Godwine and his family, prompted probably by his great dislike to Harold, *i.e.*, "The numerous progeny of Earl Godwine was daily waxing stronger and stronger upon the earth."‡

Harold the Second, and last of the Anglo-Saxon kings, was son of Godwine, or "Gudin," Earl of Kent, by his wife

* See Michel's "Chroniques Anglo-Normandes," vol. ii.

† Hist. Norman Conq., vol. i., p. 724 (ed. 1870). Freeman.

‡ Ingulph's Chronicles (Bohn's Ed.).

Gytha, sister of Ulf jarl. Godwine makes his first appearance in the history of our country in the reign of Canute, just before the close of the tenth century. He was, without doubt, of Saxon origin, as he is called "a child of Sussex," being the son of Wulfnoth and grandson of Ethelmær. This "child of Sussex," however, may mean "a peasant." Ralph the Black, or, as he is usually called, Radulphus Niger, records that Godwine was the son of a herdsman or cowherd, "*filius bubulci*,"* brought up by Canute. But how the son of a Saxon herdsman came to be brought up by Canute is explained by Turner in his translations from the *Knytlinga Saga*, which shows Godwine to have been the son of Ulfnadr, a man of poor and humble circumstances, probably the same name with Wulfnoth, and to have owed his high position at the court of Canute to a service which he rendered to Ulfr, son of Sprakalegs, one of the great and noble captains of that Danish conqueror who, having lost himself in a wood after the battle of Skorstein, between Canute and Edmund, sometimes called "*Sceorstan*," accidentally fell in with Godwin, or "Gudin," as he was then called, driving his father's herd of cattle, and by him was conducted in safety to the cottage of Ulfnadr, and thence to the camp of Canute. For this act Jarl at once placed Godwine on a lofty seat, and had him treated with the respect which his own child might have claimed. His attachment continued toward Godwine so far as afterwards to marry him to Gyda, or Gytha, his sister; and to oblige Ulfr, as the story goes, Canute in due time raised Godwine to the dignity of Jarl.† Godwine is said to have been a handsome man, of good address, and fluent of speech, which qualifications speedily brought him into high repute.

* Cotton Lib. Vespasian, D. 10, f. 27.

† Turner's Hist. Eng., vol. ii., p. 333.

There is no doubt but that Gytha was the mother of all those sons and daughters of Godwine who played such a memorable part in the history of our country. The fullest list of Godwine's sons is that given by William of Malmesbury,* who is highly spoken of by Archbishop Usher, as "the chief of our historians." Malmesbury, however, appears to have been unacquainted with the name of Godwine's second wife; this deficiency has been supplied by Dr. Giles. Gunhild, Harold's sister, is not mentioned by Malmesbury; her name occurs in the Exon Domesday,† "*Gunnilla filia Comitis Godwini*." Mr. Freeman mentions a third daughter, named Ælfgifu, who appears in Domesday 144 b. Swegen is considered to be the eldest son, and Harold next. It is not quite clear who followed Harold, probably Tostig. Wulfnoth was the youngest; all the rest of the sons were created earls but himself. Harold, whose career in life has placed him at the head of his brethren, now steps forward‡ as Earl of the East Angles.

To borrow the language of the above able writer, we may now say that we have "reached the first appearance of the illustrious man round whom the main interest of this history will henceforth centre." Harold was "the hero and the martyr of our native freedom," one whom England must naturally ever hold in the highest esteem. "To his first great government, a trying elevation indeed for one in the full vigour of youth and passion, he was apparently raised about three years after the election of Eadward, when he himself could not have passed his twenty-fourth year. While still young he saw somewhat of the fluctuations of human affairs, and he seems to have learned wisdom from experience. Still there must have been in him from the beginning the germ of those great qualities which shone forth so conspicuously in his later career. The praises of the great earl sounded forth in the

* William of Malmesbury, Bohn's Ed., p. 222.

† *Vide* pp. 96, 99.

‡ A.D. 1045.

latest specimen of the native minstrelsy of Teutonic England."*

The remarkable skill and agility in the use of arms placed Harold on an equal with the swift "light-armed Briton," and made him more than a match for his Norwegian opposers; and his courage and strength enabled him for a long time to stand proof against the deadly arrows of the Normans. As a ruler in civil matters he is thought to have been even more remarkable. We are told that as soon as he possessed the reins of government he vigorously strove, as the chronicler asserts, "to revoke unjust laws and establish good ones;" and, as another writer of a later date remarks, "the greivous custumes and taxes which his predecessors had raised he abolished, whilst the ordinarie wages of his servants and men of warre he increased." Harold is mentioned as being the protector of the churches of his day, besides showing a humane feeling towards not only good men, but even to malefactors, and to disturbers of the country's peace.† We have every proof of Harold's great liberality when our attention is drawn to his magnificent foundation at Waltham Abbey, which is a monument "not more of his liberality than of his wisdom." He was also a liberal benefactor to the church of Peterborough, and by his advice King Eadward issued a grant to the church of Abingdon. To found a secular college like that of Waltham at a period "when all the world seemed mad after monks," and when the nobles of the land aimed to outvie each other in adorning the so-called "religious houses" with splendid gifts, exhibits great independence of spirit and vigour of mind.

The circumstances connected with the foundation of Waltham show that Harold was not actuated by superstition altogether, or dread, nor was it a display "of reckless bounty," but as Mr. Freeman justly remarks, it was "the deliberate deed of a man who felt the responsibilities of lofty rank and boundless wealth, and who earnestly sought the

* "History of the Norman Conquest," vol. ii., p. 32.

† *Journal of the Archæological Association*, vol. xxiii., p. 159.

welfare of his church and nation in all things." The same able writer goes on to speak of the story of Eadgyth Swannes-hals, or Swan-necked, Harold's beloved consort. She was the last of the Anglo-Saxon queens, and was surnamed "the Fair." It is believed by this marriage Harold healed up the breach made between him and his northern subjects. The great researches of Sir Henry Ellis and other antiquaries lead to the conclusion that the touching instance of woman's tender and devoted love—the verification of Harold's mangled body among the slain at Hastings, generally attributed to his paramour,—belongs rather to Queen Eadgyth, his disconsolate widow.* The appellation of "mistress" usually given to Eadgyth,† or Ealdgyth, has unhesitatingly been dispensed with for that of "queen," on the ground of Sir Henry Ellis's opinion (Introd. to Domesday, ii., p., 79) that she was no other than the daughter of Earl Ælfgar, and widow of Griffith, Prince of Wales, after whose death she became, as we have said, the wife of Harold.‡ It will be well here to relate the chief incidents shown in the life of Harold by the Anglo-Saxon chronicler. In A.D. 1046-9 Harold opposes his brother Swegen; 1049, he removes the body of Biörn to Winchester; 1050, cited before the "Witenagemot," or a meeting of wise men. Some interpret the word *witan*, to know, and *gemoth*, an assembly. It was a name given to an assembly of wise men who constituted the great national council or parliament among our Anglo-Saxon ancestors; consisting of the nobles, or the largest landholders, and the principal ecclesiastics. The powers of this council were very extensive. 1051-2, Harold withdraws to Bristol, and thence to Ireland; sails with his father to London, and is reinstated in his possessions. In 1053 his father dies, and he attends the funeral, succeeds to his father's earldom; 1055, makes his peace with Earl Ælfgar, and the next year makes peace with

* Strickland's "Lives of the Queens of England," vol. i., p. 8.

† She is called in the Cott. MSS., Julius D., vi., cap. 21, "*Editham cognomen, Swannes-hals*."

‡ See Lappenberg, "Under the Anglo-Saxon Kings," vol. ii., p. 302.

Griffith, King of North Wales; 1063, he reduces Wales, and the following year treats with Morkere; 1065, he orders a hunting-seat for King Eadward at Portskewet, and strives to reconcile Earl Tostig and the Northumbrians; 1066, he is chosen King of England, collects an army to oppose Tostig and William of Normandy, defeats Harold Hardrâda and Tostig at Stamford Bridge, and at last is slain at Hastings.* For several months Harold occupied the throne of England in peace. His accession, no doubt, took place with the general assent of the public; the nobility, with few exceptions, and the bishops, with scarcely any, declared themselves the authors and supporters of his progress, and the acquiescence of the nation appeared complete. Florence of Worcester, a trustworthy writer of the Middle Ages, informs us that Harold reigned nine months and nine days,—“*Regnavit autem Haroldus mensibus ix. et diebus totidem.*” And reckoning from the death of Eadward, which took place on Thursday, January 5th, to Saturday, October 14th, 1066, the day of his own death, this statement seems to be correct. An able writer has justly observed that the reason why Harold has been so far ignored by some historians may be attributed to the shortness of his reign. In fact, by them, remarks the writer, this monarch “is scarcely included among our sovereigns.”

The right of Harold to the throne of England has long been a subject of discussion; and there is, perhaps, no greater event in the annals of our country in which the truth is more difficult to be elicited than in the transaction between Harold and William in the lifetime of Eadward.† This monarch, as he drew near his end, saw the increasing power of Harold, and doubtless was not without some grave thoughts that the kingdom which he had governed would at his death be exposed to great commotion, on account of the rival powers then existing. There appear to have been four claimants to the crown of England at the death of the Confessor—*i.e.*, his cousin, William of Normandy; his brother-

* “Anglo-Saxon Chronicle” (by Thorpe), vol. ii., p. 280. London: 1861

† Turner’s “History of England,” vol. i., p. 374.

in-law, Harold ; Eadward the Outlaw, the son of Eadmund Ironside, who had been sent for by the king as early as 1057 respecting the crown, but he died soon after his arrival in England ; and Eadgar, who is said to have been too young in 1066 to be elected king. Each of these, no doubt, founded his pretensions upon the real or supposed devise of the late king. But if kindred had any weight, Eadgar probably had the most right to the throne, being the son of Ætheling, although he was not entitled to the same constitutional preference as his father, but in some respects he was a more promising candidate than his father.* Palgrave tells us that Eadgar Ætheling was the son of Eadward the Outlaw, a lineal descendant of Ironside, and the only male left of the house of Cerdic.† The Anglo-Saxon chronicler states that "Archbishop Ealdred and the townsmen of London would have Eadgar child for king, as was indeed his natural right ; and Eadwine and Morkere promised him that they would fight with him, but as it ever should be the forwarder, so was it ever, from day to day, slower and worse, as at the end it all went." The early writers speak unhesitatingly that Eadward, on his death-bed, had appointed Harold to be his successor. Turner the historian says, "I am much inclined to believe this report, not only on the testimony of the English writers, but because its truth is acknowledged by the enemies of Harold." One of them notes that Harold was a cunning and crafty man, understanding that—

" 'Tis always bad fixt measures to defer ;"

And that as soon as the king was buried he (Harold) *extorted* an oath of fealty from the nobles, and placed the crown on his own head.‡ Other early writers give a more feasible account how that after the interment of Eadward, the "vice-roy," or "vice-king," Harold, whom the king had previously appointed his successor, was elevated to the throne by all the

* "History of Normandy and England," vol. iii., p. 295.

† "History of the Norman Conquest," vol. ii., p. 425.

‡ "Matthew of Westminster," vol. i., p. 556. See Roger of Wendover's "Flowers of History," vol. i., p. 326, and Ingulph's Chronicle.

chief men of England,* and was consecrated the same day with great ceremony by either Stigand or by Aldred, Archbishop of York.† Harold had, no doubt, obtained great favour with the Saxons during his course of action ; for as early as the time of Harthacnut he was in possession of considerable power ; and in striking contrast with the other sons of the great and popular Earl Godwine, in his government of East Anglia, and afterwards of Wessex, he was just, kind, and considerate.‡ The Anglo-Saxon Chronicle tells of the death of Eadward and the promotion of Harold to the throne, in the most exalted strains of the period, but which may now appear weak and fulsome. The story finishes thus :—

“ Harold himself, a noble earl,
He in all times faithfully obeyed His lord
By words and deeds, nor aught neglected
Of what was needful to his sovereign king.”

When the important news of King Eadward's death and the coronation of Harold reached the ears of William of Normandy, he was sporting in the park at Rouen ; and it is said that the bow dropped from his hand. *Apropos* are the words of Johnson here :—“No plays have oftener filled the eyes with tears, and the breast with palpitation, than those which are variegated with interludes of mirth.” The duke stood a few moments wrapt as it were in thought, then threw himself into a boat, and crossing the Seine, entered his palace, and afterwards called his barons to council. By their advice he sent to request Harold to perform his engagements and resign his crown. The reply was such as might be expected ;

* Ordericus Vitalis affirms that Harold was crowned by Stigand, and that he usurped the English throne. But the *Harl. Miscellany* states that Stigand refused to perform the ceremony. The Bayeux tapestry exhibits Stigand, and not Aldred, performing the office of crowning Harold, which was no doubt correct, as we find that on the accession of William to the throne of England, Stigand is cast into prison, and liberated only by death.

† Simon of Durham, “History of Kings,” p. 544. Hovenden's Annals, and “Florence of Worcester's Chronicle.”

‡ *Journal of Archaeological Association*, vol. xxiii. p. 158.

Harold refused to comply to such orders, and boldly defied the great Norman powers. Forthwith William summoned a parliament of his barons bold at Lillebonne, and though the nature of their tenures did not oblige them to cross the sea in the service of their liege lord, they agreed, at the impulsion of Fitz-Osborn, surnamed the Bold, to aid in the conquest of England. Promises of rich rewards were made by the duke to stimulate them to exertion; and promises to the like effect were held out to the flower of the chivalry of Anjou, Brittany, and Poitou, if they would do their very best to support the standard of William. And the Pope, it appears, when applied to, readily condemned Harold on the ground of perjury, and sent the duke a banner and a ring, with a pressing letter stipulating for a more punctual payment of Peter's pence—a tax annually levied on every house granted to the Holy See by King Ethelwulf.* “Thus,” says Fuller, “the Pope would not be so bad a carver as to cut all away to others, and reserve no corner to himself.”

But whatever may have been the charges brought against Harold by the Pope and the Duke of Normandy with respect to his legitimate right to the crown of England, Harold no doubt had as good a claim to it as the rest of his rivals, taking all things into consideration, and here it seems necessary to cull from a mass of weighty evidence those important facts which establish the justness of Harold's right to be the sole monarch of this favoured isle.† “The Anglo-Saxon Chronicle” (p. 189 as before quoted) is favourable to Harold, the one nominated by Eadward to be his successor:—“And Harold eorl' feng to tham rice, swa swa se cyng hit him genthe and carl Harold took the kingdom, as the king gave it to him.”

* Keightley's “History of England,” vol. i. p. 67.

† Harold, although he had many friends, yet was surrounded by a number of enemies who did not always express the truth in their arguments against him. He has been charged with acting unfriendly towards his brother, but the Cott. MS. of the Saxon Chron. is strongly in his favour. “There was a great gemot at Oxford, and there was Harold the Earl, and would work a reconciliation, if he might; but he could not.” See “Journal of Arch.,” vol. xxiii., p. 161.

Florence of Worcester, who died 1118, says:—" *Haroldus Godwini ducis filius quem rex ante suam decessionem regni successorem elegerat.*" The legend of Waltham says:—" *Post obitum itaque sanctissimi regis, comes Haroldus unanimi omnium consensu in regem elegitur*" (MSS. Cotton. Julius, D. vi.). But as Harold was crowned on the same day that Eadward was buried, it may be said that there was not a sufficient time allowed to obtain their consent. This objection is removed by what is stated in Ailred's life of Eadward, that that prince, being about to consecrate Westminster Abbey, which he had built, did so at a period when " *Anglorum tota nobilitas ad regis curiam debuit convenire,*" and that the solemnity was begun—" *Convenientibus in unum episcopis cunctisque regni proceribus.*" The great national council was, therefore, assembled at a period of Eadward's death and Harold's coronation.* Sir Alexander Malet, B.A., in his metrical version of "Wace's Chronicle of the Norman Conquest," confirms the right of Harold to the throne of England, which right he should possess at the sacrifice of his life:—

" Here gather'd before thee this day, we demand
That Harold be chosen as king of the land."

* * * * *

Then Harold stood forward, and said, " What was done
By thee in foretime, sire, regard as foregone.
God forbid I e'er crave other guerdon as mine,
Save to rule by thy grant o'er the land that is thine."
Then answered the king, " Harold, so shall it be,
But death's in the gift, as I well can foresee."†

It is quite possible that Duke William had nothing more than a verbal grant from Eadward to entitle him to be King of England, any more than Harold. William of Malmesbury asserts that William claimed the kingdom on the ground that Eadward, by the advice of Archbishop Stigand and of the Earls of Godwine and Siward, had granted it to him, and had

* Cochrane's *Foreign Quarterly Review*, 1835, p. 311.

† Master Wace his *Chronicle of the "Conquest of England"* (Ed. 1860 pp. 20, 22).

sent the son and nephew of Godwine to Normandy as sureties of the grant. Dr. Giles affirms that this statement "is from W. Pictaviensis, who puts it in the mouth of the conqueror, but it is evidently false ; for Godwine died A.D. 1053, Siward A.D. 1055, and in 1054 we find Eadward the Confessor sending for his nephew from Hungary, to make him his successor in the kingdom, who accordingly arrives in A.D. 1057, and dies almost immediately after. He could *not*, therefore have made the settlement as here asserted." Harold in the tapestry is represented as making oath to duke William, by which oath it is said the duke claimed his right to the English throne. In another part of the tapestry occur the words—" *Hic dedit arma Willelm Haraldo*," "Here William gave arms to Harold." Ordericus Vitalis informs us that Duke William presented Harold with arms and horses, "in contradiction to Wace, who in the Roman de Ron, laid the scene of the presentation of arms at Avranches, when William was on his march to Brittany."

AN ACCOUNT OF THE BAYEUX TAPESTRY.

The celebrated tapestry of Bayeux which illustrates so much of the famous history of the Norman Conquest, consists of a web of linen nearly 19 inches in breadth and 214 feet in length ; the memorable expedition from the embassy of Harold to the Norman court in 1065, is successfully depicted. There are exhibited also several hundred figures of men, horses, beasts, birds, trees, castles, houses, and churches, with inscriptions over them explanatory of their meaning and history. The stitches, if they may be so called, are threads laid side by side and bound down at intervals by cross stitches or fastenings upon the said linen or cloth ; the parts intended to represent flesh are untouched by the needle. The colours are generally faded on bluish green, crimson, and pink. The finest copy that has ever been taken of the Bayeux Tapestry will be found in the South Kensington Museum. There is a good copy in the "Vetusta Monumenta," drawn many years ago by Stothard. The translators of "Master Wace his Chronicle,"

have given a number of illustrations from this tapestry similar to those given by Mr. Stothard in 1819. With regard to these illustrations it is conjectured that Wace must have seen the Bayeux tapestry before or at the time of writing his poem. This supposition is supported by the fact of his having held an ecclesiastical dignity in the chapel of the Bayeux Cathedral. This "Worsted Chronicle" is set down by some persons as the work of Matilda of Flanders, queen of William the Conqueror, but upon investigation it is found to be neither the work of the first nor the second Matilda; it was executed by order of Odo, Bishop of Bayeux, "uterine" brother of the Conqueror, "who alone had the power to deposit and display the representation of a subject from profane history in a sacred edifice." Hume has attributed the work to the third Empress Matilda, daughter of Henry I. Odo is said by Thorpe to be the son of Arlette by her husband Herluin de Conteville. He was contemporary with Harold and William, and is mentioned as bishop in 1066.* This bishop appears in effigy on the tapestry on horseback clad in armour, holding a club with which as the inscription states, "he encouraged the youths."

Harold at his coronation is seen seated on his throne, listening apparently with great attention to two messengers who no doubt had some important matter to communicate to him. Some have suggested that these messengers brought the news of the landing of his brother Tostig and the Norwegians. Others more justly conjecture that the two men represent Duke William's ambassadors who were sent to expostulate with Harold on his claiming the crown of England. The words above the throne are—"Here sits Harold, King of the English.—Stigand, Archbishop." Harold holds a sceptre, and in his left a globe surmounted by a cross. On his left is Stigand, who is said to have crowned him in defiance of the Pope's interdiction, and for which act he afterwards suffered at the hands of William. The early writers, at least several of them, affirm that Harold was crowned by Aldred, Archbishop of York.

* Anglo-Saxon Chronicle, vol. ii., p. 107.

WACE'S CHRONICLE OF THE NORMAN CONQUEST.

Master Wace, as he is called, was born in the isle of Jersey early in the twelfth century, lived in the reign of three Henries, and died in England *circa* A.D. 1184. It is said that he was educated at Caen, and proceeded thence to the dominion of the king of France, returning again to Caen, where he began to write "romanz." In 1155 he finished his "Roman de Brut." (See transcript Cott. MSS., Vit. A. X., fol. 19.) King Henry the Second, the great patron of the church of Waltham, was Wace's principal patron. Wace obtained by royal favour the prebend of Bayeux Cathedral as a reward of his literary labour. Here he had doubtless full command of the wonderful Bayeux tapestry. He held this office, we are told, for nearly twenty years. In 1160, Wace, having gleaned sufficient from the tapestry, finished his masterly Chronicle of the Norman Conquest. This is an invaluable record regarding the history of the times and the burial of Harold at "*Varham*" (Waltham). He appears to have gathered much information respecting the Conquest from old men who are said to have seen the comet of 1066:—

"I have seen and conversed with old men in my time,
Who beheld the said star ; men in their prime."*

The biographer of Wace says that he "wrote at a period when the desire for more accessible sources of information than those afforded by the monkish chroniclers began to be felt, but while the habit of listening to the troubadour was still prevalent. His work is then to be considered as a remarkable monument, marking as it does a period of literary transition, produced by a clerk or Churchman, but in the vulgar tongue and in reality a tribute or concession to the growing spirit of inquiry of his age.

"As regards the literary value of Wace's poem, competent judges have pronounced that it is not deficient in delicacy of feeling or elegance of expression ; but the obsolete language

* See Malet's Translation of Wace's Chronicle (1860).

in which it is written enables few to form an opinion of either quality.* The public are indebted to Sir Alexander Malet, Bart., B.A., for his splendid translation of the Chronicle into English rhyme, published in 1860, from which much of the above on Wace is taken. Mr. Edgar Taylor gave a prose translation in 1837 (8vo.), published by Pickering; this is also a valuable book. Both these works are illustrated from the Bayeux tapestry.

The best existing transcript of Wace's Chronicle of the Norman Conquest is preserved in the royal collection of MSS., British Museum.† The date of this MS. is put down by good authority as A.D. 1200; it formerly belonged to the library of Battle Abbey, for which it is said to have been made. "*Liber Abbatriæ Sancti Martini de Bello*" is written on one of the folios. The Chronicle is supposed "to commemorate the deeds, the sayings, and manners of our ancestors, to tell the felonies of felons and the baronage of barons," &c. In fol. 271 of this MS. the writer states clearly that the body of Harold was carried to Waltham, and there buried:—

"Li reis herant en fu portez,
A WAICHAN, fu enterrez,
Mais jo ne sai qui le uporta,
Ne jo ne sai qui lenterra."

On the 24th of April, A.D. 1066, a great comet appeared in the heavens, "which," says Ingulph, "portended the great changes which were about to take place in the country." The old Leonine couplet given by Roger Hovenden has been rendered thus:—

"In the year one thousand and sixty-six,
A comet all England's gaze did fix."‡

A Norman writer describes it as having three tails; and the Anglo-Saxon chronicler says that "there was over all England

* "Conquest of England," translated into rhyme by Sir Alexander Malet, Bart., B.A. (Bell and Daldy, 1860, 4to.)

† Reg. iv., c. xi.

‡ Ingulph's "History of Croyland," p. 138. Bohn's Ed.

such a token seen in the heavens as no man ever saw before. Some men said it was *cometa*, the star, which some men called the haired star, and it appeared first on the eve of Litanía Major, the 8th before the Kalends of May [24th April], and so shone seven nights." Whether this comet appeared, as was the belief of that superstitious age, to indicate war and carnage is very questionable. However, war and bloodshed speedily followed. The tapestry exhibits the comet and the great consternation which it caused among the people. *Isti mirant stellā*, "They marvel at the star." On the right sits Harold, listening, as some suppose, to the intelligence communicated by the messenger sent to report the landing of Tostig and the Norwegians. Others think that it is intended to represent that which has already been stated with reference to Harold and William. See Guillaume de Jumièges, Matt. West., Tib. B. i., Cott. MSS., and "Journal of the Archæological Association," vol. xxiii.

THE BATTLE OF STAMFORD BRIDGE.

It appears that just before the king had measured his strength with the Normans he was called upon to defend himself from the attacks of Tostig, or Tosti, his younger brother, and the Norwegian army. Tostig had been created Earl of Northumberland by Edward the Confessor, but was ejected by the inhabitants, who would not tolerate the tyranny of his government. Upon the accession of Harold, Tostig, now an exile, resolved to gratify his revenge by attacking England; and being connected in marriage with Duke William, he made an offer of his services to that prince, which, of course, were readily accepted. William immediately placed him as head of the great fleet which was manned with Flemings, and which, in the month of April, 1066, appeared off the Isle of Wight, where he landed, and after having ravaged the coast and supplied himself with necessaries, he proceeded toward the port of Sandwich. By this time Harold was in London, and had made great preparations to oppose the Norman invaders. He despatched at once a naval force

of some power, besides a formidable troop of horses to defend the Kentish coast.* As soon as Tostig heard of Harold's army approaching he made a hasty retreat from Sandwich, with a view to return to Normandy, but the wind proving unfavourable he was obliged to enter the river Humber; there he speedily disembarked, and ravaged its banks on each side. Here he was attacked by the Earls Edwin and Morcar, and was compelled to fly with only twelve out of sixty ships with which he had entered the river. Tostig at this juncture solicited the aid of Svend, King of Denmark, but was refused. However, Malcolm Canmore, King of Scotland, received him, and with whom he stayed during the summer. The refugee then applied to Harold Hardrada, son of Sigurd, King of Norway, for assistance, and was successful, but eventually became the vassal of this monarch by promising him half of the island which he had been attempting to invade. After these transactions the Norwegian king arrived at the mouth of the river Tyne with a powerful fleet of more than 500 great ships. Tostig united with the king's fleet according to previous arrangements, and they both landed their troops at a place called Richall. As soon as Harold heard of this he marched with great speed towards Northumbria, but before he had arrived the two valiant brothers, Edwin and Morcar, at the head of a large army, fought a severe battle with the Norwegians on the northern bank of the river Ouse at Fulford, near York.† This occurred on Wednesday, September 20, 1066, being the eve of the feast of St. Matthew the Apostle. The 25th day of September, 1066, we are told was fine, and the sun shone as bright as in midsummer. The Norwegians had now landed on the field with the expectation of receiving the hostages from York, and were firm in the confidence of victory. They laid their armour aside and took only their swords, spears, shields, and helmets; some had bows and arrows, and all were extremely merry.‡ The Rev. F. H. Arnold, M.A., tells us that the Norwegians "were flushed

* Cochrane's *Quarterly Review*, 1835, p. 312.

† Florence of Worcester Chronicle, p. 169.

‡ Heimskringler.

with success, and fancied that the cloud of dust raised by the approaching Saxons was caused by the men of York, whom they were awaiting ; a line of steel soon betokened the vanguard of an army."

Tostig after this was speedily killed, and the Norwegians renewing the contest for the third time were defeated with great slaughter. Heaps of bleached bones remained long after, a memorial to the passer by of the terrible conflict. Harold treated the Norwegians with much clemency.* Notwithstanding the complete victory gained by Harold, he allowed Hårdrada's sons, Olaf and Paul, Earl of the Isle of Orkney, who had been sent with part of the army to guard the ships, to return to their own country with twenty ships and the remnant of their army, having first received from them their hostages and oaths for their future good behaviour.† Henry of Huntingdon records that the whole army were either slaughtered, or taken prisoners and burnt. Wendover says that after the battle, Harold, King of England, appropriated to his own use the booty and spoils without allowing any one to share with him, which so disgusted his army that they unanimously forsook him.‡ Most of the early writers are silent on this point. Rapin thought that in this particular "Harold deviated from his usual generosity." This is no doubt correct. Having thus dwelt at some length on the earlier and perhaps less known part of Harold's career, it will be well to hasten to notice the great and decisive battle of Hastings, in which the noble monarch terminated his life.

THE BATTLE OF HASTINGS.

On the 13th day of October, A.D. 1066, while Harold was rejoicing in the victory over the Norwegians which he had but just gained, a horseman,§ who had ridden day and night from Hastings, brought him intelligence of the landing

* Roger Hovenden states that Hårdrada, or Harfager, and Tostig were slain "with the edge of the sword."

† Roger de Hovenden Annals, and Florence of Worcester.

‡ "Flowers of History, vol. i., p. 327."

§ A THANE of Sussex.

and strength of the invading army. Harold is said to have been at York when he received the news, but it appears from the best authority that he had left York some little time, and was staying at Waltham when he received the mournful intelligence,* and this statement cannot be entirely disregarded, as there is early documentary evidence to prove that he rested at Waltham the night before the battle, in a house which he himself had founded a short time previously, and where he offered up his orisons, and vowed that if he should be spared to return with victory, he would greatly enlarge the possession of that establishment, for he was hurried into a position at the death of Edward which left him no time to carry out his previous intentions respecting Waltham—the spot which he had chosen for the “scene of his scanty relaxations.” When Harold left Waltham—never more to return alive—the two canons, Osgod and Ailric, accompanied him, by command of the dean and chapter of the house of Waltham, for the purpose of bringing back his body should he be slain in battle.† “Master Wace,” in his early chronicle, has given a verbal description of the fight on the field of Senlac, which is now printed and illustrated with many striking features of the great contest from the Bayeux tapestry, as stated *ante*. Harold, it appears, conducted his journey with too much haste for his own interest, for when he arrived near the shores of Sussex, he had been joined by not more than half his army (see Cott. MSS. Jul. D. VI. c. xx.). But his hope was that the rapidity of his forced marches would enable him to surprise his enemies on the night of the 13th of October, or early on the ensuing morning of the fatal day. The Normans were not aware of his approach; and so little did they anticipate it that a considerable troop had been despatched from the camp to collect provisions. Notice of it, however, reached William in time to defeat King Harold’s projects. Harold had materially weakened his land forces by sending many of his best men to man a fleet of 700 vessels, with a view to hinder the duke’s escape by water. This, however,

* See “Legend of Waltham,” Cott. MSS.

† “De Inventione Sanctæ Crucis” (*Stubbs*), xviii.

proved to be a great mistake of Harold's, for the fleet had but little influence on the impending conflict. Prudence, it seems, would have counselled him to open a passage on the sea for his enemies' retreat.* Odo, Bishop of Bayeux, and Constance, the half-brother of William, assisted by a numerous band of ecclesiastics, administered the sacrament of which the Norman Duke William partook. In the morning the Bishop addressed the army, but in the midst of his speech he was interrupted by William Fitz Osborn, who admonished him to prepare for battle. He armed himself in such haste, that before he was aware of his error, he had reversed his breastplate. This circumstance was looked upon by some as a favourable omen, observing that the time had come when the dukedom should be converted into a kingdom. To add confidence to his soldiers, he reminded them of the justice of his cause, and hung round his neck the relic upon which Harold had sworn to secure England for him.† The Normans had a decided superiority over the English in the number and equipment of their cavalry, and in the possession of a body of experienced archers.‡ Harold had sent out spies to inspect the invading forces, and William, it is said, knew so well his strength and the good appointment of his army, that he concealed nothing from the spies, but caused them to be well feasted and to be led through his encampment. On their return to Harold they magnified what they had seen, and added that the faces of the Normans were close shaven, by which they resembled an army of warlike priests. Harold is said to have laughed at the idea, but remarked that the

* Turner's "History of England," vol. ii., p. 406.

† This refers to a trick of William, related by Hume:—"In order to render the oath more obligatory, William employed an artifice well suited to the ignorance and superstition of the age. He secretly conveyed under the altar on which Harold agreed to swear, the relics of some of the most revered martyrs. And when Harold had taken the oath, he showed him the relics, and admonished him to observe religiously an engagement which had been ratified by so tremendous a sanction." See Matt. Westminster.

‡ The Cott. MSS., Jul. D. 6, f. 101, show that the Norman army was four times as numerous as that of Harold.

priests would prove formidable soldiers. The English did not shave the upper lip, but suffered the hair to grow, which had been a national custom with the early Britons.*

Harold and his army occupied the hill-top at Senlac, afterwards called Battle, and there it is said spent the night in festivity;† but the Normans who rested on the eminence opposite passed the night in devotion. Harold's men for the greater part were armed very imperfectly; some had battle-axes, in the use of which they were very expert; and others were armed with such inefficient weapons as clubs, slings, and even pitchforks. The king observed the deficiency of his own troops in number, and so was careful to place them in a position where the superiority of the enemy's cavalry would be comparatively useless. They were disposed upon the summit of an eminence, which upon every side presented an abrupt ascent to the attack of the Normans, and yet was capacious enough to afford room for the whole of the English army, formed as it was into one compact body. The English infantry were arranged by Harold into an impenetrable wedge. Their shields covered their bodies, their arms wielded the battle-axe. Harold, whose courage was equal to his dignity, quitted his horse to share the dangers of the battle on foot. His brothers, Leofwin and Gurth ("the men of Kent" claimed by ancient privilege the honour of standing in the front rank, and of commencing the battle), accompanied him; and his banner, in which the figure of a man in combat, woven sumptuously with gold and jewels, shone conspicuous to his troops, was implanted near him.‡ The battle was commenced by Taillefer, one of the minstrels who had obtained from William the honour of striking the first blow, and who advanced upon a noble steed, singing as he went the romance of

* See William of Malmesbury, and Julius Cæsar's "Gallic War," lib. v. c. p. 14.

† "*Wæs-heal*" and "*Drink-heal*" resounded from their tents; "the wine-cups passed gaily round by the smoky blaze of the red watch-fires, while the ballad of ribald mirth was loudly sung by the carousers." Palgrave's "History of Normandy," vol. iii. p. 313.

‡ Turner's "History of England."

Rolland and Charlemagne and Oliver, and the heroes who fell at Roncesvalles. The infantry and archers by whom the combat had been commenced were driven back in confusion by a tremendous volley of stones and javelins thrown from a considerable eminence. And in spite of the exertions of Duke William and of the Bishop of Bayeux, the first line, in which were the Bretons and the mercenary soldiers, wavered and fled.* Thus the battle raged for some time with the utmost violence on both sides. At length the duke, perceiving that large bodies from the enemy had broken their ranks in pursuit of his flying troops, rode up to the fugitives and checked their retreat, loudly threatening them and striking with his lance. Taking off his helmet and exposing his naked head, he shouted, "See, I am here, I am still living, and by God's help I shall yet have the victory!" The courage of the fugitives was quickly restored by the gallant manner and bold speech of the duke, and intercepting some thousands of their pursuers they cut them down in a moment. In this manner the Normans twice again pretending to retreat, and when they were followed by the English suddenly wheeling their horses, cut their pursuers off from the main body, surrounded and slew them. The ranks of the English were much thinned by these dangerous feints, through which they fell separated from each other; so that when thousands were thus slaughtered the Normans attacked the survivors with still greater vigour.† Then the ranks met; a cloud of arrows carried death among them; the clang of sword-strokes followed; helmets gleamed and weapons clashed. But Harold had formed his whole army in close column, making a rampart which the Normans could not penetrate.‡ The English banner still proudly waved over a numerous body of the flower of the army, who every moment expected that a reinforcement of their countrymen would arrive and inspire them with fresh vigour.

* Cochrane, *Foreign Quarterly Review*, vol. i., pp. 317, 319.

† "Ordericus Vitalis," vol. i., p. 484.

‡ Henry of Huntingdon, "Chronicles," p. 212.

As Eustace, Earl of Boulogne, turned round to the duke and advised him to leave the field, an arrow struck him between the shoulders, and he was carried from the field as it seemed mortally wounded. The contest now was terrible; William directed his archers not to shoot horizontally at the English, but to discharge their arrows sharply upwards to the sky. These fell with fatal effect on the more distant troops. The random shots descended like impetuous hail, and one of them pierced the gallant Harold in the eye. A furious charge of the Normans increased the disorder which the wounded king must have occasioned. His pain was great, and he was mortally wounded. As the evening closed one of the combatants had the brutality to strike into his thigh after he was dead, for which William with nobler feelings disgraced him on the field.*

The papal banner was by the Normans directly planted where that of Harold had stood, and the English standard was sent as an offering from William to the Pope. Baker observes that William that day fought so valiantly that he had three horses killed under him. But Harold showed no less valour in killing many Normans with his own hands. "Till at last King Harold, being struck into the brains with an arrow, fell down dead; upon whose falling a base Norman soldier cut off one of his thighs *while he was yet breathing*, which Duke William hearing was so much offended that he caused the soldier to be disarmed, and with shame cashiered."

The death of Harold, as caused by an arrow piercing his eye, is confirmed by Master Wace, the Norman chronicler; Englished by Sir Alex. Malet:—

"Thus acting, their arrows were all upwards sent,
And downward came pouring in vengeful descent;
Heads and faces were wounded, and eyes were put out,
They durst not look upward, or turn them about,
Nor lift up their Vizors, so thick fell the Show'r,
Like Rain, Tempest driv'n by wind in its Pow'r.

* "Turner's "History of England," vol. i., p. 414.

Then it chanc'd that an Arrow which fell from on high,
 Smote Harold the king,—*and put out his right eye*,
 In His agony wrenching the Point from the wound,
 He broke short the shaft,—which he dashed to the ground,
 O'ercome with keen anguish, His body all bent,
 His Head wrack'd with pain, on His Buckler He leant ;
 So the English oft said, and the Normans still say,
 That the shaft was well shot which was shot on that day ;
 For they deem'd that the Archer had done a proud thing
 Whose Arrow had put out the Eye of their King."

Strutt has illustrated the scene of conflict thus:—on the right is seen the Norman duke mounted on his horse, trapped with his arms ; whilst on the other side the unfortunate Harold is falling from his horse, having just received his death-wound. The illuminator who lived in the reign of Edward I. did not attend to the dress and custom of the times which he meant to represent ; for the armour, banners, &c., which are delineated in the original plate were used in the era in which he lived, and not in the time of the Conquest. In the Bayeux tapestry Harold is represented as an armed man fallen dead, his battle-axe flying from him ("Here Harold king was slain"). Another soldier is leaning forward on horseback, and wounding his thigh with a sword.

First among the noble barons present at this remarkable battle were Eustace Count de Boulogne, William son of Richard Count de Evreux, Geoffrey son of Robert Count de Montague, William Fitz Osborn, Robert son of Robert de Beaumont, a novice in arms, Aimer, Viscount de Thonars, Earl Hugh, the constable, Walter Gifford, and Ralph Toni, Hugh de Grant-mesnil, William de Warenne, and many other knights, illustrious for their military achievements, and whose names merit a record in the annals of history among the most famous warriors.*

Harold fell on St. Calixtus' Day ; "*Heu ! Ipsemet cecidit crepusculi tempore*," says Florence, of Worcester, at the coming on of the twilight before the darkness of the Norman century

* "Ordericus Vitalis," vol. i. p. 484.

fell on the ill-fated English.* "This was a fatal day to England," says William of Malmesbury, "a melancholy havoc of our dear country through its change of masters. For it had long since adopted the manners of the Angles, which had been very various according to the times."† Long after the day of this fatal conflict patriotic superstition believed that its bloody traces were still to be seen on the ground which had drunk the blood of the warriors of their country. These traces are said to have been shown on the heights to the N.W. of Hastings, when a little rain had moistened the soil.‡

The Norman conqueror, after gaining possession of the battle-field passed the night in a tent which he had caused to be erected on the spot; and where, immediately after, he commanded a sacred edifice to be built in commemoration of the remarkable event. This he afterwards adorned with a variety of presents, and gave it the expressive title of "Battle Abbey." But this building, with other contemporary relics recording the great battle of Hastings, has fallen a prey to the devouring elements of time. William was, in a measure, prevented from executing his intentions respecting Battle Abbey by death.§

The arms inserted *infra* were discovered in an initial A, in Matthew Paris's Chronicle. The shield of Harold is introduced between the columns of text, but *reversed* to betoken his death; *vide* "Paris Historia Anglorum" (Madden), p. 7). The shield of arms of the Conqueror, *i.e.*, gules, three lions or leopards passant gardant or. That borne by Harold; azure, a lion rampant.

THE BURIAL OF HAROLD AT WALTHAM HOLY CROSS.

The place of sepulture of this great monarch is a subject much controverted in the present day, and there are many who appear to be entirely opposed to the most authentic

* "De Inventione Sanctæ Crucis" (Stubbs), 18.

† *Vide* W. Malmesbury, p. 278.

‡ "Chronicles of England" (Raymond), p. xxvii.

§ "Chronicles of Battle Abbey" (Lower), p. 13.

version of the story. The writer has lived many years on the very verge of where history and tradition point as the burial-place of the last of the Saxon kings, and he has long laboured to confirm, from documentary and other sources, the truth of what he firmly maintains, — that Harold was buried at Waltham. However, some persons have entirely rejected the authority of Malmesbury, Wendover, Matthew of Westminster, Wace, Higden, and a host of other later authors, for the fabulous story which was current in the twelfth century, *i. e.*, that Harold escaped from the field of Senlac, “pierced with many wounds, and with the loss of his left eye; and that he ended his days piously and virtuously as an anchorite at Chester.”* Both Knighton and Brompton quote the same legend. William Pictaviensis, chaplain of the Conqueror, asserts that William refused the body to his mother, who offered its weight in gold† for it, ordering it to be buried on the sea-coast. In the Harl. MS. 3776,‡ Gurth, the brother of Harold, is said to have escaped alive; he is represented, in his interview with King Henry the Second, to have spoken mysteriously respecting Harold, and to have declared that the body of that prince was not at Waltham. Sir Henry Ellis, quoting this MS., justly observes that the whole was, as we shall see presently, the fabrication of one of the secular canons who were *ejected* in 1177.§ And it is singular, as Mr. Freeman notes, that some of the contemporary English writers are silent on the more important points associated with Harold’s funeral. “England and her king,” says this accurate historian, “had fallen, and they cared not to dwell on the details of sorrow. Not a word as to Harold’s burial is to be found in the Saxon Chronicle, not a word in our English-hearted Florence. The English biographer of Edward, whose precious work has just been given to the world by the Master of the Rolls, does not even tell us in direct terms that Harold ever died or ever reigned; from him we ask in vain for the burying-

* *Giraldus Cambrensis*. (This Mr. Freeman calls “a wretched fable.”)

† Eleven thousand pounds. See Maseres, in his “*Gesta Guillelmi*.”

‡ See *Vita Haroldi*. § Note, Malmesbury, p. 235. (Stevenson.)

place of the second Judas Maccabæus.* In the *Vita Haroldi* Harold is represented as having been found on the field of battle, among the dead and dying, by a Saracen woman, who concealed him at Winchester for two years. It then sends him on a pilgrimage to Jerusalem and brings him back to England to spend a long life in retirement and austere penitence.† This Life of Harold, says Professor Stubbs, is "a curious but entirely untrustworthy legend," written apparently to prove that the great king was not buried at Waltham.‡ If we ask the monk of Malmesbury respecting the body of Harold, we are told that William surrendered it to Githa (Harold's mother), with the view of its being interred at Waltham. Pictavensis informs us that a body, of which the features were undistinguishable, but supposed from certain tokens to be that of Harold, was found between the corpses of his brothers Gurth and Leofwine, and that William caused this corpse to be interred in the sands of the sea-shore, saying, "Let him guard the coast which he so madly occupied;" nor was the king tempted by the gift of the sorrowing mother, or touched by her tears.

William of Malmesbury, says Mr. Freeman, "does not write in the interest of Waltham or of England. He is a thoroughly independent witness; so, I may add, are Wace and his brother minstrels. So early and so extensive a fabrication as their narratives would imply seems to me quite out of the question. The most probable solution seems to be that Harold was first, by William's order, buried under a cairn, '*aggere sub lapidum*,' on the shore of Sussex, and was afterwards more solemnly interred in the minster at Waltham. The original order fell in alike with the passion and with the policy of the Conqueror; it suited him to brand the perjurer, the excommunicate, the despiser of the holy relics, with every possible mark of ignominy. But a season did come when William might well be disposed to yield to gentler counsels."

* Transactions of the Essex Archæological Society, vol. ii., p. 34.

† "Odericus Vitalis," vol. i., p. 487. (Bohn.)

‡ "De Inventione Sanctæ Crucis," p. xxx.

§ Palgrave's "History of Normandy and England," vol. iii., p. 320.

The abbot of Hyde and his twelve monks made a fruitless search for the body of the fallen king. Osegod and Ailric, * two of the canons of Waltham who watched the battle, were engaged in the same pursuit, but their efforts were without effect. "The find" was in reserve for Eadgyth Swanneshals (Edith-with-the-swan's-neck), Harold's wife, or "old love," who readily distinguished the mutilated corpse among the loathsome heaps of the unburied, from certain marks upon it well known to her. This body, as being that of Harold's, was brought to Waltham, and there entombed at the east end of the choir, with great honour and solemnity, many Norman nobles assisting in the requiem. Robert of Gloucester, a monk living at the time of the battle of Evesham, records the fact in his famous Chronicle :—

"Haralde's moder bor hyr sone wel gerne hym bysgote,
By messagers, & largelyche hym bed of her thynge,
To grante hyr sone body anerthe bor to brynge,
Wyllam yt sende hyr bayre ynou wythoete enghynge warnore,
So that yt was born hyr wiþ gret honour y bore,
To the hous of Waltham, & ybrogt anerthe there,
In the holy rode Chyrche, that he let hym sulk reze."

The historian. Speed, quoting from the Cottonian MSS., says,—

"The mother of the slain king did not so well moderate her womanly passions as to receive either comfort or counsell of her friends, the dead body of her sonne shee greatly desired, and to that end she send to the conqueror two sage brethren of his abbey at Waltham, who had accompanied him to his unfortunate expedition. Their names (as I find them recorded in an olde manuscript) were Osegod and Ailric, whose message to the conqueror, not without abundance of tears, and feare, is there set downe in the tenour as followeth :—
'Noble duke, and ere long to be a most great and mightie king ; we thy most humble servants, destitute of all comfort (as we would we were also of life), are come to thee as sent from our brethren whom this dead king hath placed in the monastery of Waltham, to attend the issue of the late dreadfull battaile (wherein God favouring

* Ailric was a childmaister or schoolmaster of the abbey, appointed by Harold.

thy quarrell, he is now taken away, and dead, which was our greatest comforter, and by whose onely bountifull goodnesse, we were relieved and maintained, whom hee had placed to serve God in that church. Wherefore wee most humbly request thee (now our dread Lord by that gracious favour which the Lord of lords hath showed unto thee, and for the reliefe of their soules who in this quarrell have ended their dayes,) that it may be lawfull for us by thy good leave, safely to take and carry away with us the dead body of the king, the founder and builder of our church and monasterie; as also the bodies of such others, as who, for the reverence of him, and for his sake, desired also to be buried with us, that the state of our Church by their helpe strengthened may be the stronger and indure the firmer.' With whose so humble a request and abund tearss, the victorious and worthy duke moned and answered. 'Your king (said he), unmindful of his faith, although he have for the present endured the worthy punishment of his fault, yet hath he not therefore deserved to want the honour of a sepulchre or to lie unburied were it, but that he died a king howsoever he came by the kingdom, my purpose is for the reverence of him, and for the health of them who having left their wives and possessions have here a church and a monastery, with an hundred monkes to pray for them for ever; and the same Church to bury your king above the rest, with all honour into so great a prince, and for his sake to endow the same with great reverences;' with which his courteous speech and promises the two religious fathers comforted and encouraged again replied, 'Not so, noble duke, but grant this thy seruants most humble request, that we may, for God, by thy leave receive the dead body of our founder, and to bury it in the place which himself in his lifetime appointed, that wee cheered with the presence of his body may thereof take comfort, and that his tomb may be unto our successors a perpetuall monument of his remembrance.' The duke, as he was of disposition gracious and inclined to mercy, forthwith granted their desires." *

In order to confirm the truth of the above, the writer deems it expedient to cite Wace and other early chroniclers. The Waltham manuscript "*De Inventione Sanctæ Crucis*" contains the detailed account of the two canons, how they were sent to watch the progress of the battle, and how they searched for the mangled body of Harold (*ante*). Wace says, (see the

* *Vide* "Speed's History of Great Britain," p. 409.

edition of 1837) "King Harold was carried and buried at Varham (Waltham) but I know not who buried him."

"Li Reis Heraut fu enterrez,
E à Varham fu enterrez."

Which is Englished thus—

"King Harold himself (though I know not by whom)
To Waltham was carry'd and laid in the tomb."

A. le Prevost, commenting on the mode in which the body of Harold was disposed of, remarks* on the difference of terms employed by William of Poitiers and Ordericus Vitalis in narrating the same event. M. le Prevost observes that, according to William of Poitiers, the conqueror after much entreaty refused to give up the body to Harold's mother, and granted it to William Malet. Ordericus Vitalis says that the body was handed over (*traditus est*) to Malet. Monsieur A. le Prevost says he prefers the phrase of Ordericus Vitalis, not seeing any motive arising from *particular relations* ("*rapports particuliers*") between Harold and William Malet to induce the latter to make the demand implied by the term "granted," employed by William of Poitiers. M. le Prevost, however, adopts (says the translator of Wace) the prevailing tradition that Harold's body was confided to Malet, and also that the interment was at Waltham: founding his belief on the concurrent testimony of William of Malmesbury, and the Cott. MS. Jul. D., vi., of Waltham in the British Museum. The editor of Wace considers the reason to be a simple one, why the body of Harold should be granted to Malet. On one hand Malet was uncle to Harold's queen Alditha, and on the other he was related to William of Normandy by his marriage with Hesilia Crespin."† Benoit de St. More writes in confirmation of this that the body of Harold was granted "to W. Malet, at his earnest prayer, with permission to bury it where he pleased." The anonymous continuer of Bede's Chronicle says,—

* See M. Pluquet's ed., vol. ii. pp. 205, 6.

† See Master Wace's "Conquest of England" (Malet, 1860, 4to), Appendix I.

"*Corpus Heroldi, matri petenti sine pretio misit, licet illa per legatos multum obtulisset. Acceptum itaque apud Waltham sepelivit: quam ipse Ecclesiam ex proprio constructam in honore sanctæ crucis Canonicis inpleverat.*" Hygden follows in the wake:—" *Corpus Haroldi matri ejus id deposcenti, sine pretiis misit, quod ipsa apud Waltham Monasterium Canonicorum quod ipse fundaverat sepelivit.*" This is confirmed in volume three of the "*Eulogium (Historiarum sive Temporis): Chronicon ab orbe condito usque ad annum Domini M.CCC.LXVI*" (p. 38).

The same has been recorded by Johannes de Oxenedes in his *Chronica* (edited by Sir Henry Ellis, p. 38). "*Corpus vero Haraldi apud Waltham sepultus est, in ecclesia quam ipse ex proprio construxerat.*" A poet of the thirteenth century writes (4635),—

"Through the prayer of his mother,
The body was carried on a bier;
At Waltham it is placed in the tomb
For he was founder of the house."*

An early work, supposed to have been written by Peter, of Ickham, relates,—

"*Le rei Harald cant il fust counte fist le eglise de la Sainte Croiz de Waltham hu son cors fu porte a pres la bataille, par le grant le duc Willame a la priere sa mere.*"

TRANSLATION.

King Harold when he was earl built the church of St. Cross, at Waltham, whither his body was carried after the battle, by the favour of Duke William to his mother's prayer."†

See also *Chronica Monasterii S. Albani*,—" *Anno Gratiæ Millesimo sexagesimo sexto, Haraldus filius Godwyni, die sexto Januarii, seipsum apud Westmonasterium Coronavit, qui, in octavo-decimo die Octobris in bello occisus, apud Waltham juxta Londonias tumulatur.*‡ (See Malmesbury, ii., 420.) *Et jacet sepultus in ecclesia canonicorum quam ipse fundaverat apud*

* *Lives of Edward the Confessor, &c.*, Ed. by H. R. Luard, (M.A.), p. 309 (1858).

† " *Le Livre de Reis de Brittain*" (Glover), p. 136.

‡ *Rishanger, Chron. Mon. S. Albani. Chronica et Annales* (Riley), p. 427.

Waltham.* In the *Annales de Wintonia*, edited by Luard, p. 27, we have Harold after the battle *quo sepulto apud Wautham* (Waltham). Roger Wendover, well known as the author of "The Flowers of History," who flourished in the reign of King John, affirms that Harold's mother requested the body of her son, and William sent it to her without a ransom. The Chronicle written by Fabyan in the latter end of the fifteenth century remarks,—

"Thus whan Harolde hadde ruled the lande, &c., he was slayne and was buryed at the monastery of the Holy Crosse of Waltham, which he before had founded and sette therein chanons and gave vnto them fayre possessyons. And here endeth for a tyme ye blod of Saxons."

Strutt, quoting from an old work, notes, "Harold lies buried at Waltham."† Dr. T. Fuller says, "Let not therefore the village of Harold on the north side of Ouse, near Bedford, (properly Harewood or Harelswood, on vulgar groundless tradition), contest with Waltham for this king's interment."‡ The early biographer of Harold (and monk of Waltham) "is driven," says Mr. Freeman,—

'to a very lame device indeed. He had to reconcile his beloved fiction of Harold's escape with the tradition of his abbey which boasted of Harold's tomb. He is therefore driven to suppose that Eadyth found, and the chapter of Waltham buried—a wrong, an intruding supposititious carcase, which down to his own time had usurped the sepulchral honours of the last of the Saxon kings. Now this kind of stuff is simply abominable. It is neither history, nor romance, nor criticism, nor anything else, but simply a cock-and-bull story of the poorest kind.' "To reconcile the details of the story of the '*De Inventione*' with the narrative of William of Poiton and the Carmen is quite impossible. The mission of Osgod and Ailric, and the intervention of Eadyth, at once become mythical. Pure invention they probably are not; the story has that local and personal circumstantiality which seems to imply some groundwork

* "*Annales de Bermundeseia*" (Luard), p. 424.

† See "*Regal and Ecclesiastical Antiquities of England*," p. 6.

‡ "*History of Waltham*," p. 259. (Ed. 1840.)

of truth. Indeed the fact mentioned by William of Poiton that Harold was '*quibusdam signis nequaquam facie, recognitus,*' curiously enough agrees with the Waltham tale of Eadyth. But that tale as a whole cannot stand; the search and discovery by Eadyth and the two canons clearly did not lead to an immediate burial at Waltham. But that Harold was, after all, really buried in his own minster I am strongly inclined to believe. If he was not, how did the tale arise? A tomb of Harold was one which there was very little temptation to forge.

"Harold was not an acknowledged saint, whose burial-place would be a profitable place of pilgrimage. In the days of the Conquest any attempt of the kind would have been put down with a strong hand. When the tomb of Waltheof at Croyland became the scene of miracle and pilgrimage, the Conqueror acted as vigorously as the more recent French potentate—

'De par le Roi, defense à Dieu
De faire miracle en ce lieu.'

"An imaginary tomb of Harold could only have been set up from motives strongly tinged with political feeling, which would have at once kindled the wrath of the Norman Government. In later times, when Norman fiction had had its own way, when Harold's name had been effectually branded as perjurer and usurper, such a fabrication would have been still less likely. But we need not inquire into this, as Malmesbury shows that it was currently believed in the first half of the twelfth century that Harold was buried at Waltham.*

Much of interest on Harold's burial will be found in the works of Camden, Rapin, Thoyras, Rastell, Tyrrell, Keighley, Turner, Lingard, Hume, Stow, and others. The critical remarks on Lappenberg's "*History of England*," given in the *Quarterly Review* for 1835, are well worthy of a place here *in extensis*, likewise the MS. ballad quoted by the late Dr. Beattie on the Battle of Hastings and burial of Harold, but space forbids. (See "*History of Castles and Abbeys*.")

Although little dependence as a rule can be placed on the unlimited licence which all poets exercise as regard style and colour of character, yet from the more sober and less sentimental accounts already given on the burial of Eng-

* "*Transactions of the Essex Archæological Society*," vol. ii., p. 36.

land's great king, there is really good ground for the belief that his remains were interred within the precincts of the church of Waltham, "which he let himself rear." Yet at the present day it is by no means easy to determine the exact spot of his first or last interment. It is possible that during the several alterations which took place in the abbey church from the Norman conquest to the accession of King Henry the Second, the body of Harold may have been removed from its original position. The writer in the "*De Inventione*," specifies that the tomb of Harold was near the *high altar*, and "at the translation of whose body for the *third time*, according as the state of the building of the church was such as to admit it, or the devotion of the brethren showing reverence to the body demanded it, I can just remember to have been present myself." *

"This Kyng Herolde at Waltham, which he found
Of foure score chanons, full fayer was buried
At [the] hye aulter, and as a kyng was crownde,
All yf he were intrusor notified,
And in batayl slayne and victoryed
Of gentylnesse the Conquerour had so,
All yf he were afore his mortal fo."

Historians of the seventeenth and eighteenth centuries have come to the conclusion—on the statement made by Dr. Fuller—that Harold "was buried where now (1655) the Earl of Carlisle's † leaden fountain in his garden, then probably the end of the choir, or rather some eastern chapel beyond it; his tomb of plain but rich grey marble, with what seemeth a *cross-florée* (but much descanted on with art) upon the same, supported with pillarets, one pedestal whereof I have in my house." ‡ There is still preserved in the north aisle of the church a coffin-shaped stone of very early date; on the centre is a cross in relief, nearly the full length and width of slab.

* "*De Inventione Sanctæ Crucis*," p. 31 (Stubbs).

† James Hay, who attended James I. from Scotland on his accession to the throne.

‡ "*History of Waltham*" (Fuller), p. 259.

This stone measures six feet nine inches in length, thirteen inches wide at the feet, and much wider at the head ; it is not early enough for Harold, although some might suppose it to have been the one described by Fuller. The stone which Fuller says was in "my house," and purporting to be a portion of Harold's tomb, is now in the possession of Mr. William Robert Clark, of Waltham Abbey.

THE BURIAL OF HAROLD'S TOMB.

Some persons have thought that the fragment of ironstone or Purbeck marble in question is not from Harold's tomb, but simply a part of the Earl's fountain ; no doubt it formed an ornamental part of the fountain ; but Fuller knew its history too well to suppose that it was carved on purpose for his worthy patron's garden fountain. Mr. Farmer, nearly one hundred years later, says this fragment "I have now (1735) in my house." It is "a curious face or bust of grey marble which by tradition always was, and is to this day esteemed to be part of King Harold's tomb. This old townsman (author of "History of Waltham Abbey," &c.), says respecting Harold, "It is without dispute that he was buried in the garden under a leaden fountain, where now there is a bowling-green, which formerly belonged to the Earl of Carlisle."* We come nearer to the supposed spot where Harold was buried as described by Taylor—

"In Waltham Abbey on St. Agnes' Eve
A stately corpse lay stretched upon a bier.
The arms were cross'd upon the breast ; the face,
Uncover'd by the taper's trembling light,
Show'd dimly the pale majesty severe
Of him whom death, and not the Norman Duke
Had conquered ; him the noblest and the last
Of Saxon kings ; save one the noblest he ;
The last of all." †

* "History of Waltham" (Farmer, 1735, 8vo).

† *Edinburgh Review*, vol. lxxxix., p. 358. Taylor's "Eve of the Conquest."

Both history and tradition determine the sacred place as being about one hundred and twenty feet from the east end of the church, the place of sepulture of ecclesiastics and men of high repute in the Middle Ages. If in a direct line from the great centre aisle of the church, it would suggest the probability of the tomb being near the grave of Mr. Jessop or that of Col. S. C. Edenborough, J.P. All that part of the churchyard on which stood the ancient choir of Harold's church, and now called "the new ground," was evidently used as a garden by the Earl of Carlisle and Sir Edward Denny, *temp.* James I. and Charles I. It was first used as a common burial-ground early in the present century, by grant of Sir William Wake, Bart., the then lord of the manor, because the parishioners had not sufficient room in the old churchyard for interments.

HAROLD'S EPITAPH.

WEAVER gives half a dozen lines "of barbarous Latin," expressive of the two words, *Harold infelix*. These are taken from the Harl. MSS., 3776, which once belonged to the Abbey :—

"Heu cadis hoste fero, Rex, a Duce Rege futuro,
Par paris in gladio, Milite et valido.
Firmini justi lux est tibi, luce Calixti;
Pronior hinc superas, hinc superatus eras.
Ergo tibi requiem deposcat utrumq.; perennem,
Sicque precetur eum, quod colit omne Deum."

Farmer has rendered the words thus :—

"A fierce foe thee slew, thou a king, he a king in view,
Both peers, both peerless, both feared, and both fearless;
That sad day was mixed by Firmin and Calixt;
Th' one helpt thee to vanquish, t'other made thee languish,
Both now for thee pray, and thy requiem say,
So let good men all to God for thee call."

THE DISCOVERY OF EARLY MONUMENTAL REMAINS IN
THE ABBEY.

SOME very interesting particulars relative to the remains of "Harold (as Farmer suggests) are given by Fuller in his "Worthies of England."* According to the account given by Thomas Smith (an old inhabitant of Waltham, who died 16th June, 1604), a stone coffin of considerable antiquity was discovered near the foundations of the Abbey Church, late in the sixteenth century. Fuller gives the account as follows:—"The ensuing relation written by the pen of Master Thomas Smith, of Sewardstone, in the parish of Waltham Abbey, a discreet person not long since deceased: 'It so fell out that I served Sir Edward Denny (towards the latter end of the reign of Queen Elizabeth of blessed memory), who lived in the abbey of Waltham Cross, in the county of Essex, which at that time lay in ruinous heaps; and then Sir Edward began slowly now and then to make even and re-edify some of that chaos. In doing whereof, Tomkins, his gardener, came to discover (among other things) a fair marble stone, the cover of a tomb hewed out in hard stone. This cover with some help he removed from off the tomb, which having done, there appeared to the view of the gardener and Master Baker, † minister of the town (who died long since), and to myself, and Master Henry Knagg‡ (Sir Edward's Bailiff) the anatomy of a man lying in the tomb above said, only the bones remaining, bone to his bone, not one bone dislocated. In observation whereof we wondered to see the bones still remaining in such due order, and no dust or other filth besides them to be seen in the tomb. We could not conceive that it had been an anatomy of bones only, laid at first in to tomb. Yet if it had been the whole carcass of a man, what became of his flesh and entrails? For (as I have said above), the tomb was clean from all filth and dust besides

* *Vide* p. 320.

† Curate of Waltham. Died April 24, 1604.

‡ Buried 21st April, 1646.

bones. This, when we had all observed, I told them that if they did but touch and part thereof that all would fall asunder for I had only heard somewhat formally of the like accident. Trial was made, and so it came to pass. For my own part I am persuaded that the flesh of this anatomy to us became invisible so likewise would the bones have been in some longer continuance of time. Oh! what is man then, which vanisheth thus away like unto smoke or vapour and is no more seen? Whosoever thou art that shall read this passage thou mayest find cause of humility sufficient.’”

Farmer considers this coffin to have been that of Harold's. But Gough, the great antiquary, has done his best to overturn all that has been written respecting the remains of the great Saxon king being discovered at Waltham. He criticises the words of Fuller (*ante*) in the following manner:—"The different accounts of the tomb ascribed to Harold at Waltham Abbey serve but to increase the suspicion that it was that of some religious of the house. Fuller says, 'It was of plain but rich grey marble, with what seemed a cross fleury, but much descanted, by art upon the same.' By his *Pillorets*, 'one pedestal whereof he had in his house,' it should seem to have been a coffin-fashioned monument raised from the ground, a circumstance not unusual at that time. Such perhaps are represented on the tomb of Henry I., fourth Duke of Lovain and Brabant, 1235, in St. Peter's Church at Lovain; and such occur among ourselves, particularly in a north chapel at Southwell, and the tomb of Archbishop Sewal at York, 1258. The situation of the tomb assigned by Fuller, then probably the east end of the choir, or rather some eastern chapel beyond it, is not favourable to his appropriation of the tomb, being neither the place for founders or benefactors, nor kings; but rather some lady chapel, or continuation of the choir eastward. Such a coffin with a cross rather *betoné* was found, 1787, in the north wall of the choir, with a leaden coffin shorter than it by eleven inches within it.”*

The same writer, speaking of the fragment of stone carving

* Gough's "Funeral Monuments," vol. ii., part i., p. 105.

connected with the Earl of Carlisle's fountain, remarks that "the fragments in question were accompanied with a pedestal of the same marble, about fourteen inches square and nineteen high, having on two of the sides two lions rampant against a wheatsheaf, the crest of Cecil, and other ornaments ; on the other two sides, and through one of the corners a hole, as for a pipe. From the particulars of the cross flueri one might refer the coffin to an abbot."

In 1786 a coffin of Purbeck marble was discovered in the foundation of the north pillars of the choir. It measured seven feet and a half long by two feet five inches wide at the head, and nineteen and a half at the feet, three inches and a half thick, and eleven deep, shaped at the shoulders. Within it lay a shell of thin sheet lead shaped to the body, the feet turning up, and over the face a cross faintly marked on the head. As soon as the lead was opened the corpse, which before was perfectly whole, fell to pieces. The lid of the stone coffin was six inches thick, carved with a cross botoné. The distance at which this coffin lay from the present east wall of the church (the north pillar of the centre tower) is about 260 feet, so that allowing the tower to have been thirty feet square, the length of the choir will have measured 230 feet. The fragments of the skeleton and leaden wrapper were gradually taken away by the spectators, notwithstanding, says Gough, the resolution of placing both them and the stone in the church.

The history in brief of this remarkable piece of stone will no doubt be interesting to many local readers. For a century or more after the dissolution of the monastery this ancient relic served as an ornament in the abbey gardens belonging to the Denny family (1655). Dr. Thomas Fuller, the famous historian and curate of Waltham, possessed it for some time, and possibly he may have left it in the parsonage-house when he removed from the town. Dr. Uvedale, master of the grammar school at Enfield (in 1670), saw it at "Waltham Mill ;" that is, it was no doubt placed near the corn mill adjoining the abbey, for we find it inserted in the wall at the entrance of

the underground passage near the church. John Farmer, the historian of this parish, possessed it in 1735, and it was fixed in the wall of his house on the "Bank," in Highbridge Street.* In 1768 it found its way to the great hall of the old Abbey House. This house was destroyed by fire late in the last century, but the relic was preserved. Gough, the antiquary, who was always on the look-out for fragments of the kind, possessed it. In 1780 he tells us that he received it by favour of Sir William Wake, baronet. The fragment, however, more than half a century since found its way back to Waltham Abbey, and has been in the possession of W. R. Clark, Esq., of this parish, for upwards of forty years. It has the appearance of dark ironstone, extremely hard, and has suffered from very rough usage at some early period.

Mr. Gough, the antiquary, had another interesting relic belonging to this abbey, namely, the monumental brass from the tomb of one of the Waltham abbots, but what became of it afterwards is not known.

Within the communion rails is the tomb of an abbot of some antiquity. It was once adorned with a fine monumental brass, which has long been missing; probably that possessed by the antiquary Gough is the identical one. Round the verge of this incised slab is an inscription in Lombardic characters, but so worn and disfigured that no one can decipher its meaning. Another stone adjoining it, and partly hid by the rails, bears the following inscription:—

" Hic Haroldi in Cœnobio
Carnis Resurrectionem.
Expectat Jacobus Raphael
Gallus
Demum Scotus, demum Anglus,
Denique nihil.
Anno ætat, 70
Obit Mar. 30 Anno 1686.

* Years ago the houses in Highbridge Street, called the "Bank," stood much higher than the road, and a ditch ran along in front of them.

The epitaph may be Englished thus :—

“ Here in Harold’s tomb
James Raphael ;
A Frenchman,
Claimed both by Scotland and England
But now nothing.
Awaits the resurrection of the body....
Died March 30, 1686,
In the 70th year of his age.”*

There are but few representations of Harold besides those on the Bayeux tapestry and his coins. A portrait of the monarch may be seen in an illuminated MS. Prayer Book, written in England about the eleventh century. It is given in Montfaucon’s “Antiquities” and Ogbourn’s “Hist. Essex.” Harold is sitting on his throne, holding in his right hand a military banner, and in his left a sceptre surmounted by a dove. On each side of the throne is a stand, on which lies a book open, and near each stand or lectern an angel or saint with his hand elevated, is bestowing the benediction. Dr. Fuller states that a “picture of King Harold in glass was lately to be seen in the north window of the church, till ten years since some barbarous hand beat it down, under the notion of superstition. Surely, had such ignorant persons been employed in the days of Hezekiah to purge the temple from the former idolatry, under the pretence thereof they would have rended off the lily-work from the pillars, and the lions, oxen, and cherubim from the bases of brass. However, there is still a place called Harold’s Park in our parish (of Waltham) by him so denominated.” It appears that in 1642 the churchwardens’ account-book suffered much by “the soldiers,” a note to the effect is written on the margin. Several leaves are torn out. Probably about this time Harold’s picture was destroyed.

HAROLD’S CHILDREN.

The offspring of Harold claim our attention in these pages. Their names are mentioned in the preceding narrative. His

* The parish register records the burial of James Raphael, April 1st, 1686.

sons were Godwine, Eadmund, Magnus, and Ulf, or Wulf, his daughters Gytha and Gunhild. It is generally believed that these four sons and two daughters were the issue of Eadgyth Swanneshals. Not one of the family appears to have been exalted to anything like the position of their father. Godwine held two lordships in Somerset, and his name is recorded in Domesday together with Eadmund and Magnus. The two last-named are less known in history than even Godwine, on account of their being but youths when their father died. Ulf or Wulf was imprisoned in Normandy, and afterwards released by the Conqueror on his death-bed. Much more is said of this individual of a very conjectural nature. Gunhild, it is said, was cured of sickness by St. Wulfstan; this story is told by several early writers, but when and in what way we are not in a position to say. Gunhild is supposed to have held seven hides of land in Sussex of Harold. Gytha married Waldimar, King of Holingard, by whom she had a son named Harold, from whose daughters, Malfrid and Ingibiorg, most of the kings of the north appear to have sprung.*

THE COINS OF HAROLD.

Harold's coins are said to be numerous, considering the shortness of his reign. Nearly one hundred varieties of moneyers' names have been found upon them; and he seems to be the only king who could always spell the word right. The correctness of the appropriation of his coins is unquestionable from the close resemblance of the head to that of the Conqueror, and from circumstances of their having been twice found in lots which contained no other coins except those of Edward the Confessor and William the Conqueror.†

The penny of Harold bears on the reverse the mint and the moneyer, and the type always consists of the word "PAX," written across the field; obv., HAROLD REX ANGL.

* See Freeman's "Norman Conquest."

† "Silver Coins" (Hawkins), p. 74.

Bearded bust with a ducal cap to the left ; before, a sceptre ; rev. SNAEBEORN ON EON (Exeter) ? And across the field, a tablet inscribed, PAX. The inner circle and the tablet composed of rows of dots or pellets.* How this singular word came to be placed on the reverse of this king, as also on that of Edward the Confessor, William I., and Henry I., and of no other, may be a matter of curious speculation to the antiquary. The opinion of Sir Andrew Fountaine in Hick's "Thesaurus," and of Mr. Walker in Camden's "Britannia," who concur in attributing to the son of Canute the pennies of Harold with PAX on the reverse, is now generally deemed erroneous.† On one of the coins the head is to the right with sceptre ; the word PAX on the reverse is written retrograde. Harold's coins weigh something less than 22 gr.

* Akerman's "Numismatic Manual," p. 253.

† "Archæologia," vol. iv., p. 359.

ON THE ESTABLISHMENT OF SWISS FREEDOM,
AND THE SCANDINAVIAN ORIGIN OF THE
LEGEND OF WILLIAM TELL.

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FREEDOM in Europe made a considerable advance in the thirteenth century. An interregnum occurred in Germany from 1250 to 1273, and during that interval the King of Hungary and the Count of Holland entirely freed themselves from the homage which they had been accustomed to pay to the German Emperor. The Hanseatic League was formed at the same period between the cities of Lubeck, Cologne, Brunswick, and Dantzic, for their mutual defence against the encroachments of great lords, and these towns were afterwards joined by eighty others. Liberty was purchased for a sum of money by the cities of Lombardy, and duly confirmed to those important centres of mediæval civilization.

In Switzerland at that time the inhabitants of the districts bordering on the lake of the four cantons were emerging from a state of feudal vassalage to neighbouring nobles, and were also struggling against the encroachments of powerful local ecclesiastical institutions, which possessed the privilege of immunity from taxation.

The convent of Zurich had much influence in the canton of Uri; the monastery of Einsiedeln, in the canton of Schwyz, possessed large estates; and the convent of Steinen, in the same canton, constantly quarrelled with the peasants of its vicinity.

A large Swiss landed property belonged to the house of Hapsburg. Its chief, the Count of Hapsburg, was landgrave of Argovia, and had rights of high jurisdiction in the districts

of Uri, Schwyz, and Unterwalden. He became Emperor of Germany in 1273, and after the conquest of Austria he invested his eldest son Albert with the Duchy of Austria.

Adolphus, Count of Nassau, was elected King of the Romans, a title which signified that the electors intended him to succeed after a vacancy to the empire of Germany. King Adolphus gave the Schwyzers a charter, and issued a similar document for the inhabitants of Uri. In 1292 Adolphus was raised to the imperial throne, and was shortly afterwards deposed by the Archbishop of Mayence; the electors then appointed Albert, Duke of Austria, to be King of the Romans. A battle between the forces of Albert and Adolphus ensued, in which the two rivals met in single combat, and Adolphus was killed. In 1303 Albert became Emperor of Germany. His policy in Switzerland was to protect the monastic institutions against the peasants. As an instance of his power, it may be mentioned that he obliged the inhabitants of Schwyz to give compensation for damages to the convent of Schennis by fire and robbery.

Dr. Huber, of the University of Innspruck, in his able pamphlet on the forest cantons, gives the following names of bailiffs in those districts at the commencement of the fourteenth century :—

The noble Werner de Attinghausen acted as bailiff of Uri in 1294, in 1301, and in 1308 (the 11th November), so that probably no interruption of his office had taken place after he had succeeded to the knight Arnold de Silenen. In 1302 King Albert issued an order to the bailiff Werner de Attinghausen, not to molest the convent of Wettingen and its people, in Uri, in the enjoyment of their ancient privileges. Hence at that time there was no other representative of imperial power in the district of Uri but Attinghausen.

Under Albert a Staufacher appears to have been bailiff in the district of Schwyz; and the two communities of Obwalden and Nidwalden were united, with the name of Unterwalden; in Albert's reign the bailiff of the united district was Rudolph de Edisried.

Dr. Huber observes that as the Hapsburgs, in their capacity as counts or bailiffs, had high jurisdiction over nearly all the inhabitants of the land, whether freemen or people belonging to the Church, the amalgamation of the different classes into one confederacy was thereby facilitated.

On the 1st May, 1308, the Emperor Albert was murdered by his nephew, John. He was succeeded by Count Henry of Luxemburg, with the title of Henry VII.

The new Emperor, Henry VII., confirmed the previous charters of Frederic II. and King Adolphus, for Uri and Schwyz, and placed Unterwalden by a charter in a similarly independent position. He appointed Count Werner de Homberg to be his bailiff and administrator, but this officer was recalled before the end of a year. Probably the forest cantons were then placed under the governor of the lands south of the Rhine, Count Rudolph of Hapsburg-Laufenburg, who was succeeded by Count Eberhard of Bürglen.

Unterwalden joined the league with Schwyz and Uri.

In 1313 the Emperor Henry VII. died. During his reign the forest cantons had been left to themselves. The community of Uri peaceably adjusted its disputes with the Abbess of Zurich, on account of the taxation of her immediate possessions, and arranged with the monastery of Engelberg about their interests connected with the Alps.

Convents and monasteries in Schwyz seem to have given the inhabitants great trouble. In the case of the convent of Steinen, the Schwyzers took no notice of the monastic immunity from taxation, and the Schwyz bailiff seized a horse belonging to the convent as a pledge for a tax which the nuns of Steinen had refused to pay. Anna, consort of Rudolph, the king of the Romans, in 1273 ordered this horse to be restored to the convent; and Rudolph, becoming Emperor, declared the convent of Steinen to be under his protection.

A league was formed early in 1291, after the death of Rudolph, between the people of Uri, Schwyz, and Nidwalden, with whom, in October of the same year, Zurich became associated. Schwyz became the moving power of the confederacy.

The death of the Emperor Albert in May, 1308, and the favour of his successor, Henry VII., encouraged the Schwyzers to enter on a violent course of action against the monastery of Einsiedeln. They turned the people of the monastery out of its estates, and made inroads, accompanied with murder and robbery, into the monastic territory. Three times the Schwyzers in armed bands attacked the monastery and plundered its cellars.

During the interregnum which followed Henry's death in 1313, Twelfth-night was selected by the Schwyzers for a night attack on the monastery; the doors were broken open, wine was drunk, and the church was robbed. Holy vessels were destroyed, the bones of the saints were torn from their tombs and trampled under foot, and the consecrated wafers were strewn on the ground.

At daybreak the Schwyzers returned home with their booty, and with the cattle which they had found. They also took with them the monks and their servants as prisoners; but on the way they gave the servants freedom for a ransom, and detained the monks for twelve weeks, when they allowed them to be set at liberty on the intercession of the knight Lütold of Regensburg, and of the Counts of Hapsburg and Toggenburg, who promised not to do any harm to the Schwyzers on account of the imprisonment.

Fortunately for the Schwyzers, the electors of a new emperor were divided in their choice. Part of the electors chose Duke Frederic of Austria, and another portion nominated Duke Louis of Bavaria.

In the war which followed these divided counsels, Louis of Bavaria rejoiced to find in the forest cantons a powerful ally within the Austrian territory; and when the Abbot of Einsiedeln had excommunicated the Schwyzers, Louis released them from the ban of the empire, and persuaded his powerful partisan, the Archbishop of Mayence, to promise absolution from the sentence of the Church.

A breach was inevitable with Austria, when the Swiss confederates had openly sided with Louis. An Austrian army

under Duke Leopold, brother of Frederic, on Nov. 15th, 1318, entered the defiles between the Lake of Algeri and the Mountain of Morgarten.

The Austrian soldiers were about to climb that narrow mountain road, when suddenly loose stones and trunks of trees were rolled on the closely thronged cavalry, by a division of peasants arranged on the side of the acclivities. The knights had no firm position on the hard frozen ground and were completely unable to resist ; whilst the peasants, provided with pointed nails on the heels of their shoes, advanced with the greatest security. Their halberds, swung by strong arms, shattered the firmest armour, and beat everything down. Many of the Austrians threw themselves into the lake, and the flower of Leopold's knighthood lay dead on the ground.

The victory of the confederates was celebrated in a devout manner ; the free Swiss ascribed the honour to God, and resolved to celebrate the day as a religious festival dedicated to the Virgin Mary. A new league was formed among the confederate cantons, and a truce was concluded with the Duke of Austria.

Gradually the people of the forest cantons became free from every control except the authority of the German empire.

One of the eye-witnesses of Duke Leopold's return to Winterthur, after the battle of Morgarten, was John of Winterthur, the oldest Swiss writer on the insurrection of the forest cantons. He became a monk, and in 1340 commenced a chronicle which extended from the time of Frederick II. to 1348, and has become a primary source of information for that period of Swiss history.

This monkish chronicler was a contemporary and near neighbour of the Schwyzers of that time ; he is very diffuse respecting the battle of Morgarten and the events connected therewith, but altogether silent as to any magistrate being sent to, or murdered in, the forest cantons, as well as with respect to any individual of the name of Tell ; and he makes no allusion to any "shot" at an apple on a boy's head.

Another contemporary historian, the abbot John of Victring, near Klagenfurt, one of the confidants of Duke John II. of Austria, gave a matter-of-fact description of the state of affairs in 1315, and although one of the best informed men of his time, made no mention either of the expulsion of magistrates or bailiffs, or of Tell's exploits.

In 1420, Conrad Justinger, who had been nine years city secretary in Berne, undertook a chronicle, at the request of the town council of Berne, showing that Uri belonged to the convent of Zurich, and that Schwyz and Unterwalden were under the jurisdiction of the counts of Hapsburg; he clearly distinguished the first revolt from the second, which led to the battle of Morgarten; and he traced the two insurrections to the unjustifiable demands and excesses of the bailiffs and their officials.

Yet this well-informed chronicler, a citizen of a town allied with the three forest cantons, and therefore a representative of anti-Austrian views and traditions, mentions neither William Tell nor the assassination of any magistrates.

Another chronicle, narrating events between 1240 and 1462, was compiled at a somewhat later period by one or more members of the noble family of Klingenbergh of Thurgovia, and is equally silent about either the violence of the bailiff in the forest cantons or about William Tell.

Melchior Russ, clerk of the Tribunal of Lucerne, in 1482 compiled a "confederate chronicle," in which he states that William Tell had been ordered by the bailiff of the district to shoot an apple from off his own son's head, under menace of being put to death if he should fail in the attempt; and he adds, "You will learn from a song what occurred in that respect."

The chronicle of the white book (compiled 1467—1476) narrates the story of William Tell, and doubtless formed a basis for the "chronicle of the confederacy," completed in 1507 by Petermann Etterlin, secretary of the Tribunal of Lucerne.

Dr. Huber, of the University of Innspruck, in his able pamphlet on the forest cantons and on William Tell, observes that from the song mentioned by Russ the narrative was

derived of Tell's imprisonment and Gessler's overthrow, as there is both in Russ and in other chronicles "a certain resonance of metrical compositions." The most ancient song known at present relating to Tell does not date earlier than 1477.

No authority, either written or oral, of more ancient date than the end of the third quarter of the fifteenth century can be produced as a base for the tradition of Tell, a legend at that time relating to events at least a century and a half old.

The archives of the canton of Uri have been carefully examined by Kopp, for the purpose of ascertaining if a family named "Tell" ever existed in that canton, but there is no trace of any "Tell" in Uri before the end of the seventeenth century, and the name of William, or "Wilhelm," is very seldom seen in German-Swiss documents of the thirteenth and fourteenth centuries; that name even up to the present time having never become an ordinary or popular Christian name in the three forest cantons. It occurs, however, in the English archery ballad of "William of Cloudesly."

With respect to Switzerland, historical criticism proves that there is no Swiss foundation for the shot at an apple attributed to William Tell, nor had such a legend any influence on the gradual establishment of the independence of the forest cantons.

More extended research shows that legends of wonderful feats of archery similar to the story introduced into Switzerland had been previously narrated in other countries.

Among the "curious myths of the Middle Ages," Mr. S. Baring Gould, M.A., mentions a Persian poet, Farid Uddin Attar, born in 1119, who had described a king shooting an apple from off the head of a beloved page; and in his poem called "The Language of Birds," it is stated that the boy died of fright, although the arrow had not even grazed his skin.

Saxo Grammaticus, towards the end of the twelfth century, at the request of Archbishop Absolon of Lund, compiled a Danish history, which, according to Professor Huber of Innsbruck, was replete, in its more ancient portions, with traditions and legendary fables.

Professor Huber mentions from this Danish work that a great banquet was given by King Harold of the blue teeth (who reigned A.D. 935—985), at which one of the royal archers, Toko, boasted that he was so skilful, that at the first shot he would pierce the smallest apple that could be placed on a stick.

The king, hearing of this, ordered that the vaunting bowman's own son should bear the apple, with the understanding that if the first shot proved unsuccessful, Toko's own head should answer for so absurd a self-glorification.

Nothing daunted, Toko exhorted his son to stand motionless, took three arrows from his quiver, and with the first arrow succeeded in safely accomplishing the feat. On being asked by the king why he had taken several arrows from the case, as only one could be shot off, Toko replied,—

“In order to revenge on yourself by the sharp points of the other two the failure of the first.”

Harold became some time after outrageously cruel, and oppressed his subjects with excessive imposts, until the people rose against him, and placed his son Sweyn on the throne—the tyrant himself having been mortally wounded in a forest thicket by the archer Toko.

When Christianity was introduced into Norway, tradition relates that King Olave Trygvason (995—1000) endeavoured to convert Eindridi Ildbreidt, one of his governors, to the new religion, and induced him to consent to be baptized in the event of his being overcome by the king in the three arts of swimming, shooting with the bow, and in certain performances with short knives.

As Eindridi was regarded as a more skilful bowman than the king, the latter proposed that they should shoot at a chessman placed on the head of a boy greatly beloved by Eindridi.

The king hit the mark, but his arrow grazed the boy's forehead and made it bleed. Thereupon Eindridi, at the request of the mother and sister of the boy, refrained from aiming at the same object, and avowed himself conquered.

Old northern legends narrate a similar command given by the Norwegian king, Harold Hardradi, who paid a visit to Aslak, the governor of Torg Island and challenged his son Fleming to a contest in archery. The youth possessed remarkable skill, and the king ordered him, under penalty of death, to shoot at a hazel-nut placed on the head of his brother Biorn, and the feat was successfully performed. Fleming requested the king to place himself alongside of Biorn, an invitation which was declined.

When Harold invaded England in 1066, Fleming sided with the English natives, and so well designated by an arrow-shot, the place where the king was standing, that another archer was able to recognise the monarch, and mortally to wound the royal invader.

An Icelandic legend, written in the middle of the thirteenth century, termed the "Wilkina Saga," describes a King Nidung as desirous of ascertaining whether a bowman Eigill was as skilful as had been reported; so he had an apple placed on the head of Eigill's son, a child of only three years old, and he ordered the father to shoot one shot at the apple. Eigill took out three arrows, feathered them, laid one across the string, and pierced the apple in the core. On being asked why he had taken out three arrows, as he was only allowed to shoot one, he answered,—

"My lord, I will not lie to thee; if I had hit the boy, these two arrows would have found their way to thee."

This reply was taken in good part by the king, who declared to all present that the man had spoken justly.

At Stormarn, in Holstein, a story was formerly current that in the time of King Christian I., a rich man, Fleming Wulf, dwelt in the parish of Wewel's-flet, who was the captain and leader of the march when the people of that district rebelled against their sovereign. Being defeated and brought as a captive into the presence of the king, who knew his prisoner to be a skilful archer, Wulf received the royal order to shoot an apple from his own son's head, the king promising to be merciful if the shot proved successful.

Wulf, compelled to obey, sent for his bow and his son, and safely performed the exploit. He had, however, placed a second arrow in his mouth, and on being asked for an explanation, stated that if the boy had been injured he would have aimed that arrow at the king himself. This reply drew down the royal displeasure on Wulf, who was obliged to take to flight.

In the legend current in the Faroe Islands King Harold had heard of the prowess of Geyti, a son of Aslak, and he bids the young archer shoot a hazel-nut from off his brother's head. Geyti consents, and invites the king into the forest to witness his dexterity.

“ On the string the shaft he laid,
And God hath heard his prayer ;
He shot the little nut away,
Nor hurt the lad a hair.”

The king on the following day inquires,—

“ List thee, Geyti, Aslak's son,
And truly tell to me,
Wherefore hadst thou arrows twain
In the wood yes'treen with thee ? ”

and the bowman replies,—

“ Therefore had I arrows twain,
Yestreen in th' wood with me,
Had I but hurt my brother dear,
The other had pierced thee.”*

In England the success of a skilful archer in shooting an apple on his son's head is described in the old ballad of Adam Bell, Clym of the Clough, and William of Cloudesley.† These three Anglo-Saxon foresters had infringed the severe Norman game laws, and after various acts of violence, they

* Gould's "Curious Myths of the Middle Ages," p. 114. (Rivingtons, London.)

† Percy, "Reliques of Ancient English Poetry."

submitted themselves to the king and were pardoned at the queen's intercession. William of Cloudesley proved his skill by shooting an apple on his own son's head, at a distance of 120 paces, in the royal presence ; and the king exclaimed, "God preserve me from ever serving as an aim to thee !" He admitted Cloudesley and his brethren in arms into the royal archer guard.

Near the Rhine a similar tradition prevails, the hero, according to Professor Huber, being Puncher, of Rorbach, in the bishopric of Worms. Puncher was compelled to shoot at a small coin called a *denar*, placed on his own son's head, and he had a second arrow in reserve, with which he declared that he had intended to kill his oppressor, if the boy, "at the instigation of the devil," should have perished by the first arrow.

Thus in Denmark, Norway, Iceland, Holstein, the Faroe Islands, England, Rhineland, and Switzerland—all eight countries more or less of Scandinavian origin—the legend had been known to the inhabitants. The form of a song was the favourite mode of preserving the recollection of the brave archer, and without doubt such a song found its way into Switzerland.

Inquiries into local records afford no historical basis for the Swiss myth. Kopp has shown that no Hermann Gessler existed in the forest cantons at the period, and that the name of Tell did not occur in any record of Uri in the fourteenth or fifteenth century.

According to Kopp, the narratives relating to Tell are not proved sufficiently to remove these accounts from the twilight of tradition into the noonday of historical certainty.

Mr. George de Wyss, of Zurich, is mentioned by Dr. Huber as one of the principal contributors to the elucidation of the ancient condition of Switzerland. The deeds of a people and of a Government, in the opinion of M. de Wyss, must take the place of dramatic feats, and districts instead of individuals must be the centres of popular advancement.

A shorter history of Switzerland is recommended by M. de Wyss, and the advice so given is now followed by a recent

Swiss history in French being published without any reference to William Tell. The course of Swiss national independence flows on uncoloured by any Scandinavian legend.

Morgarten in 1315 was succeeded by the battle of Laupen in 1339, and the crowning victory of Sempach in 1386; and Arnold of Winkelried, the hero of Sempach, is remembered by all true patriots, as one of the bravest men whose names are recorded on the pages of Swiss history.

THE HISTORY OF LANDHOLDING IN IRELAND.

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IN the paper which I read last year upon the History of Landholding in England, I described the principles which underlie the distribution of land among the aboriginal inhabitants, the primal occupiers of the soil. It is not necessary that I should now dwell at much length upon that portion of the subject. I would, however, refer to two authorities which have weight in relation to the allotment of lands.

Sir William Blackstone says, vol. ii., p. 3,—

“By the law of nature and reason he who first began to use the land acquired therein a kind of transient possession, that lasted as long as he was using it and no longer ; or to speak with greater precision, the *right* of possession continued for the same time as the *act* of possession lasted. But there is no foundation in nature or natural law why a set of words upon parchment should convey the dominion of land ; why a son should have a right to exclude his fellow-creatures from a determinate spot of ground because his father had done so before him.”

A more recent writer, Kenelm E. Digby (“History of the Law of Real Property,” p. 3), says,—

“However its origin is to be accounted for, this idea as to property in land is nearly universal in primitive communities. The land is regarded as the property of the community at large, and individuals as a general rule have only temporary rights of possession or enjoyment upon the lands of the community. The land is public land—*ager publicus*,—folc-land, or land of the people. Dealing with folc-land is the most important of the functions of the chief of the community in time of peace. In dealing with it he always acts, not as supreme landowner, but as the head of the community, in conjunction with the leaders of the second rank.”

My inquiries—I can hardly call them studies—led me some years ago to attempt a sketch of the changes in the system of landholding in the various countries of Europe; since then abler minds have worked in the same field. As I pursued my inquiries I thought the systems fell into groups, and that the similarity was mainly owing to *race*; identical institutions are traceable among kindred races. The necessities of humanity were similarly expressed. Land is the sustainer of life. In the language of the “*Senchus Mor*” it is “perpetual man.” Hence arose the need of appropriating a portion to every man, who would otherwise owe his life to him who possessed the land and supplied him with food.

Time is a solvent; the increase of population, the division of labour, the growth of exchange of products, led to some changes. The necessities of conquest set aside primeval ideas. The stronger lived upon the labour of the weaker. Invaders carried their customs with them, and abnormal systems were submerged in the deluge. The same usage will sometimes be found in two or more countries, but if the matter is followed up it will be found to proceed from the same cause. The *metayer* system of parts of France and Italy is clearly traceable to the inroads of the Burgundians; they formed two armies, one of which settled in France, the other in Italy, and under the name of *Hospitalities*, or payments from the farming occupants of the conquered lands, exacted a stated annual portion of the produce of the land; hence the word *metayer*, to measure.

My inquiries led me to group the land systems; there are the *Celtic*, the *Gothic*, some prefer using the term *Teutonic*, but the Teutons were not one of the ancient races; the *Scandinavian*, the *Slavonian*, the *Mongolian* or *Scythic*, and those of the peninsulas, Turkey, Spain, and Italy, which have been more frequently overrun than the northern parts of Europe, and to whose inhabitants older historians apply the term *Scythic*, but the inhabitants of the shores of the Mediterranean should not be confounded with the Scythians of Northern Asia.

The diffusion of men consequent upon the confusion of

tongues led the sons of Japheth* to settle in Europe, while those of Shem and Ham took Asia and Africa. The seven sons of Japheth were *Gomer*, from whom the Celts are descended; *Magog*, the Mongols or Scythians; *Madai*, the Sclaves; *Tubal*, the Goths; *Tiras*, the Scandinavians; *Javan* and *Meshech*, the inhabitants of the isles of Greece, Turkey, Italy, and Spain,† who were called Scythians, but must not be confounded with the Mongols, or Magode, who are traced by Josephus to Magog.

Some recent writers overlook the most ancient and trustworthy of histories, and prefer the writings of Herodotus or Strabo to those of Moses. The latter are, in my opinion, more authentic, and tell us that the descendants of Noah peopled the whole earth. The new theory of development, which is pushed very far, not only with regard to the origin of the human race, but to the origin of institutions,

* Gen. x. 2—5: "The sons of Japheth; Gomer, and Magog, and Madai, and Javan, and Tubal, and Meshech, and Tiras. And the sons of Gomer; Ashkenaz, and Riphath, and Togarmah. And the sons of Javan; Elishah, and Tarshish, Kittim, and Dodanim. By these were the isles of the Gentiles divided in their lands; every one after his tongue, after their families, in their nations."

† The Israelites and the Jews continued to apply to the races inhabiting the shores of the Mediterranean the names of their ancestors. Thus Isaiah, chap. xxiii., in predicting the fall of Tyre, says, "Howl, ye ships of *Tarshish*; for it is laid waste, so that there is no house, no entering in from the land of *Chittim*." And again, chap. lxvi. 19, "I will send those that escape unto the nations, to *Tarshish*, Pul, and Lud, that draw the bow, to *Tubal*, and *Javan*, to the isles afar off." This was written about 1,700 years after the deluge, but it shows that the Jews of that day preserved the nomenclature of a bygone age, and attributed the settlement of the Mediterranean to the sons of Japheth, three of whom are stated by name in the latter passage. Ezekiel, speaking of Tyre (chap. xxvii.), writes, "*Tarshish* was thy merchant by reason of the multitude of all kinds of riches; with silver, iron, tin, and lead, they traded in thy fairs. *Javan*, *Tubal*, and *Meshech*, they were thy merchants: they traded the persons of men and vessels of brass in thy market. They of the house of *Togarmah* traded in thy fairs with horses and horsemen and mules. The men of Dedan [*Dodanim*] were thy merchants; many isles were the merchandise of thine hand."

traces man to the monkey; those who advocate this theory have never shown when the power of developing monkeys into men, if it ever existed, ceased. If it existed it would continue; and unless they can produce a man-monkey, or a monkey-man, they fail to prove that a monkey ever developed into a man, and leave the Biblical narrative intact.

Language and institutions have followed the path of conquest. Mr. Latham, one of the most painstaking writers of philology, asks ("Elements of Philology," p. 611),—

"Has the Sanskrit reached India from Europe, or have the Lithuanic, the Slavonic, the Latin, the Greek, and the German, reached Europe from India? If historical evidence be wanting, the *à priori* presumption must be considered. I submit history is silent, and that the presumptions are in favour of the smaller class having been deduced from the area of the larger, rather than *vice versa*. If so, the *situs* of the Sanskrit is on the eastern or south-eastern frontier of the Lithuanic, and its origin is European." He adds, "A mile is a mile, and a league a league, from whatever end it is measured; and it is no further from the Danube to the Indus than from the Indus to the Danube. . . . The fact of a language being not only projected, so to say, to another region, but entirely lost in its own, is anything but unique. There is no English in Germany. A better example, however, is found in the Magyar of Hungary, of which no trace is to be found within some 700 miles of its present area. Yet the Magyar is not twelve hundred years old in Europe."

The absence of English from Germany, is quite in harmony with my assertions that the Anglo-Saxons were Scandinavian, and that there was a complete migration of the Jutes, the Angles, and the Saxons, from the north of the Elbe into England, in the fifth and sixth centuries.

Looking at settlements from a philological point of view, it appears that the use of duplicate words is evidence of conquest; that such words as omnipotent, almighty, omniscient, all-seeing, ox, beef, sheep, mutton, bear the impress of two races, the conqueror and the conquered. Institutions bear the same imprint, though it is more difficult to separate their component parts than it is to follow the stream of

language ; but if we could follow back the branch to the trunk, we should arrive at the point of separation, which is also the point of union.

Herodotus gives the Celts the large domains of Central Europe north of the Danube, extending from the Black Sea to the ocean. There has been a westward movement of ancient races ; the Mongols have possessed themselves of parts of the land of the Scandinavians and the Slaves, the Scandinavians, of some of those of the Celts, the Slaves have taken those of the Goths, the Goths have swarmed over into Celtic possessions, and also into the peninsulas of Italy and Spain ; while the Turks, the only Asiatic rulers in Europe, have held for several centuries part of the domains of the Southern Scythians. I have depicted upon maps of Europe the location of these races, in ancient and in the present time, and may perhaps publish them and the result of my researches at some future time.

My present task is to deal with that portion of the Celtic race which settled in Ireland, and where, being out of the high road of invasion, the ancient institutions remained uneffaced long after they had disappeared elsewhere. The general characteristic of the Celts was an unwarlike disposition ; being the original occupiers of fertile regions, they spread westward, yet found nothing to war with, hence there was an absence of any domineering or defensive organization. Their institutions appear to have been expressed in the cry of Celtic France at the end of the eighteenth century, " Equality, Liberty, Fraternity." The descendants of Gomer, the parent of the Celts, broke up into separate families, each governed by a patriarch ; disintegration was followed by integration, the family grew into the clan, sept, or tribe which was the joint owner of the land occupied by the progenitor, with a life possession to each of his descendants. There was a distinct limitation of the lands to the whole of his descendants, not to one portion to the detriment of others, each generation had the power of apportionment for life, and hence a dissimilarity in the size of the possessions. The lands be-

longed to the Commune, the primal owners, but were apportioned to the individuals composing the Commune, according to their age and worthiness. This arrangement relates, however, solely to *land* which was created for the use of man, and did not affect *chattels*, which being the products of each man's industry, or the result of his self-denial, were his property and at his own disposal.

The necessity of combined action for defensive purposes led to the union of tribes under a common chief, but each preserved its own leader and usages, and hence arose what is called "Customary laws." These were at various times collected and written down, and form the basis of the *Brehon* code, from the Brehons or judges who were instructed in and administered it. The land system is called *Tanistry*, from the Tanist, an officer elected to succeed the chieftain, whose main office was to divide the land of the tribe among the living members thereof; he was, in fact, a trustee and heir to the land of each of the sept or clan, and made such a division as suited the circumstances of the case. I shall hereafter describe that process in detail.

Ireland appears to have become known to the Greeks about 200 years B.C.; they gave it the title of "Juveonei;" Cæsar calls it "Hibernia," and says it was about half the size of England. Ptolemy gives a map of Ireland, which is superior in accuracy to that of Scotland. The Belgæ had colonized the eastern coasts of England about two centuries before Cæsar's invasion. It is supposed that they settled in Ireland, where they were called Firbolgs; the Romans called them *Scuti*, and the land *Scota*, by which name it was known in Europe until the twelfth century.

Hume, who evidently considered the Gauls and Irish were Celts, writes (Essay xi. vol. ii. p. 463),—

"We are informed by Cæsar that the Gauls had no fixed property in land, but that the chieftains, when any death happened in a family, made a new division of all the land among the several members of the family. This is the custom of *tanistry* which so long prevailed in Ireland."

Tacitus, who wrote A.D. 78, says of Ireland,—

“The soil and climate, and the disposition and habits of the people, differ not much from Britain; the approaches to the country and its ports are better known through the commercial intercourse of merchantmen.”

This implies a state greatly in advance of that which prevailed either in Gaul or Britain.

The Psalter of Cashel asserts that Milesius, who had thirty-two sons, of whom eight arrived in Ireland, landed in that country 1,300 years before the birth of Christ. Amongst the successors of the sons of Milesius, were Heber-Heremon and Ish, and Gadelas, from Gawth Del, a lover of learning; of these kings it is said,—

“A hundred and ninety-seven years complete
The Tuatha ah Danaus, a famous colony
The Irish sceptre swayed.”

The most celebrated of these monarchs was Ollamb Fodhla, who reigned A.M. 3082. Keating, the historian, says,—

“He summoned his principal nobility, his Druids, the poets, and historiographers to meet him in a full assembly at Tara once in every three years, to revise the body of the established laws, and to change or correct them as the exigence of affairs required; in testimony of this I shall produce the following verses of great antiquity, and to be found in writings of good authority:—

“The learned Ollamb Fodhla first ordained
The great *assembly* where nobles met,
And priests, and poets, and philosophers,
To make new laws and to correct the old,
And to advance the honour of the country.”

Plowden (“Historical Review of Ireland,” p. 15) thus describes the assemblage of the Irish chapters in the reign of Ollamb Fodlah:—

“Under him was instituted the great Fes at Tramor or Tarah, which was, in fact, a triennial convention of the States or Parliament, the members of which consisted of Druids and other learned men who represented the people in that assembly. Thus the monarch and the provincial and other kings who had the executive power in

their hands on one side, and the philosophers and priests, together with the deputies of the people on the other, formed the whole of the ancient legislature. They particularly devoted themselves to the examination and settlement of the historical antiquities and annals of the kingdom; they were rehearsed and privately inspected by a select committee of the most learned members. When they had passed the approbation of the assembly they were transcribed into the authentic chronicle of the nation, which was called the register or *Psalter of Tarah*."

The seats of the members of the great council were indicated by hanging their coats of arms on the wall over them, thus evincing a complete knowledge of heraldry.

The Brehon Code dates as far back as the reign of Ollamb Fodhla, 850 B.C., and existed unbroken until the invasion of Henry II., 1171 A.D., a period of over two thousand years. It continued to be the law of that portion of Ireland not under English rule until 1603, when it was abolished by resolutions of the Irish judges. Ollamb Fodhla was a contemporary of Hezekiah king of Judah. The codification of the Irish laws took place before the Median kingdom arose, before the Grecian republics were formed, before Rome was founded. Being based upon principles of natural justice, and suited to the requirements of humanity, it survived the fall of these greater states, and was displaced to make room for a system which does not possess the same advantages, but gives the control of the land to a small class, and leaves the mass of the people to struggle for its possession.

The history of landholding in Ireland possesses an additional attraction, it throws light upon the earlier institutions of the Celtic race. The Irish were not an unmixed race. The pre-Christian period of Irish history is marked with traces of an invasion from the Mediterranean, most probably of a Semitic character, and the post-Christian period has distinct traces of evangelization direct from Syria. Those problems in stone, the Irish round towers, which have excited the curiosity and study of so many learned men, without affording a tangible solution, have

always appeared to me to be of Semitic origin. The poetic remains of Irish history point to an invasion of Ireland from Egypt, on the expulsion of the dynasty when "a king arose who knew not Joseph." The milder climate of the East permitted the unroofed existence of the sacred fires, which in the humid climate of Ireland required some covering; the round towers, from their elevation, would display the sacred gleams to large districts. The introduction of Christianity naturally led to the erection of the church in proximity to the round tower, and in some cases to its use as a belfry. The abrasions from the friction of a rope or chain on some of the window-sills prove that there was a rude adaptation of an existing edifice to more modern requirements.

The land system of the earlier Irish race is described by the term TANISTRY. It is derived from the office of the *Tanist*, whose duty was to divide the land of the sept or tribe among the members. The tribe selected the tanist, who succeeded to the chiefry upon the death of the chief. I shall have to refer to his mode of election and duties further on, but it may be convenient to divide the subject into the following:—

- 1st. The Tanistry, or Communal.
- 2nd. The Scandinavian, or Mixed.
- 3rd. The Norman, or Feudal.
- 4th. The Stuart, or Confiscation.
- 5th. The Hanoverian, or Unsettled.
- 6th. The Present.

PART I.—THE TANISTRY OR COMMUNAL PERIOD.

The term *tanistry* was applied to a system of landholding in which the land belonged to the commune while possession was given to the individual. It took its name from the *Tanist*, who was next in point of rank and influence to the chieftain, and succeeded to the vacant chiefry. He was elected by the sept or lineage, and was the distributor of its lands. The *Tanistry* system, though *communal*, inasmuch as no man held the land in severalty, differed in many respects from the

village communities of Russia and India. It approached very nearly to that of New Zealand. The ancient Irish law tracts, to which I shall hereafter call your attention, neither enact nor describe it. The system appears to have been antecedent to any written law, and to have been recognised as an existing institution in the same way that customs in England prove common law rights which rest upon the *lex non scripta*.

The descriptions which we possess of this system are comparatively modern, and they are written by strangers, Edmund Spenser in the reign of Queen Elizabeth, and Sir John Davis in that of James I. The latter filled the office of attorney-general, and both looked upon the Irish Tanistry system as uncouth and barbarous.

The customs of the Irish people, as described by Spenser and Davis, must have been more or less tinged by the intermixture of Scandinavian, Norman, or feudal ideas, from contact with the Easterlings, the Danes, and the Anglo-Norman invaders, who had partly occupied or ruled the country for several hundred years before Spenser. Yet its inherent vitality, and its thorough adaptation to the wants of humanity, preserved it intact. The author of "The Faerie Queen" was an Irish landholder, resident on the borders of the counties Cork and Waterford. In his "View of Ireland," he thus describes the system of *tanistry* which existed at that time:—

"There be many wide counties in Ireland which the laws of England were never established in, nor any acknowledgment of subjection made, and also even those which are subdued and seem to acknowledge subjection, yet the same Brehon law is practised amongst themselves by reason that dwelling as they do, whole nations and septs of the Irish together, without any Englishman among them, the Irish say that their ancestors had no estate in any lands, seignories, or hereditaments, longer than during their own lives, as they allege, for all the Irish do hold their land by *tanistry*, which is (say they) no more but personal estate for his lifetime, that is *tanist*, by reason that he is admitted thereunto by election of the country.

"It is a custom among all the Irish that presently after the death of any of their chief lords or captains they do presently assemble themselves to a place generally appointed and known unto them, to

choose another in his stead, when they do nominate and elect for the most part not the eldest son, nor any of the children of the lord deceased, but the next to him of blood that is the eldest and worthiest, as commonly the next brother unto him if he have any, or the next cousin, or so forth, as any elder in that kindred or sept, and then next to him do they choose the next of the blood to be *tanist*, who shall next succeed him in the said captaincy if he live thereunto.

“They use to place him that shall be their chieftain upon a stone always reserved for that purpose, and placed commonly upon a hill, in some of which I have seen formed and engraven a foot, which they say is the measure of their first captain’s foot, wherein he standing receives an oath to preserve all the ancient former customs inviolable, and to deliver up the succession peaceably to his *tanist*, and then hath a wand delivered unto him by some whose proper office that is ; after which descending” from the stone he turneth himself round, thrice forward and thrice backward.

“For when their captain dieth, if the seignory should descend to his child, and he perhaps an infant, another might peradventure step in between and thrust him out with a strong hand. The *tanist* is always ready known, if it should happen the captain suddenly to die, or to be slain in battle, or to be out of the country to defend and keep it from all doubts and dangers. For which cause the *tanist* hath also a share of the country allotted to him, and certain cuttings and spendings upon all the inhabitants under the lord.”

It is well to bear in mind that this description of the inauguration of the *tanist*, the object of his appointment, and the duties he was expected to perform, is from the pen of an Englishman, and written in the latter portion of the sixteenth century, after an interval of several hundred years from the landing of Henry II., which event followed three centuries of struggle against the Danes and Easterlings.

A few years later, in the early part of the seventeenth century, Sir John Davis, also an Englishman, who occupied the position of attorney-general to James I., and who looked on the existing system as a lawyer, wrote thus (“Reports,” p. 134):—

“First, it is to be known that the land possessed by the mere Irish were divided into several territories or counties, and the inhabitants of every Irish county were divided into septs or lineages.

Second, in every Irish territory there was a lord or chieftain, and a *tanist*, who was his successor apparent; and of every Irish sept or lineage there was also a chief, who was called Cean Finny (Cean Fini). Third, all possession within these Irish territories ran always in the course of *tanistry*, or in course of *gavelkind*. Every seignory or chiefry, with the portion of land which passed with it, went without partition to the *tanist*, who always came in by election or strong hand, and not by descent; but all the inferior tenancies were partible between the males in *gavelkind*. Yet the estate the lord had in chiefry, or the inferior tenants had in *gavelkind*, was not an estate of inheritance, but of temporary or transitory possession. For as the next heir to the lord or chieftain was not to inherit the chiefry, but the eldest and worthiest of the sept, who was often removed or expelled by another who was more active and strong than he, so the lands of the nature of *gavelkind* were not partible among the next heirs male of him who died seised, but among the sept in this manner:—The Caen finny or chief of a sept (who was commonly the most ancient of the sept), made all the partitions at his discretion; and after the death of any *ter-tenant*, who had a competent portion of land, assembled the sept, and having thrown all their possessions into hotchpot, made a new partition of all, in which partition he did not assign to the son of him who died the portion his father had, but he allotted to each of the sept according to his seniority the better or greater portion; these portions or purparties being so allotted or assigned were possessed and enjoyed accordingly until a new partition was made, which at the discretion or will of the Caen finny was to be made on the death of each inferior tenant.”

The great difference between *gavelkind* and *tanistry** lay in this,—the former, *gavelkind*, divided a man's land between his sons, each of whom thereby acquired as large an estate in his separate portion as his father had, and on his death it was again divided between the sons of each of them, it being essentially a division *per stirpes*. The latter, *tanistry*, did not give a man's land to his sons, it reverted to the sept, and each of the sons got a portion of the lands of the sept, but it was only a life enjoyment. Under *gavelkind* there was ownership in severalty, which did not exist under *tanistry*.

* The proper term would be *Gableach cime*.

The *tanistry* system seems to have been based upon the idea expressed in Sir John Davis's description, *lineage*; the land had been the possession of some remote ancestor and all his *lineage* were provided for out of it. The Caen finny and *tanist* appear to have held the same office, and its main function was the equitable division of the land among the lineage of the far-away original chieftain. It may sound trite to say that even now every man has only a life possession or life estate, for all love to think that they can exercise a sort of ownership over their lands after death has put them out of possession. This right had no place in the *tanistry* system, a man enjoyed the land allotted to him while he lived, but when he died the living dealt with it as they deemed best for their own interests.

But this system went further. "Land was to them perpetual man," the staple of his existence, therefore every one of the lineage possessed his share for life. The lands of the chief did not descend to his children, they with his office went to the *tanist*, the lands of the *tanist* to his successor. All the other lands of the sept were divided among the members; there was no tenancy in the sense in which we use the word; there was no rent, no eviction, none of the powers claimed under the feudal system by the tenants in fee.

This system of *tanistry* was essentially republican in its character, the land vested in the people, not in the Crown; its division was arranged by the elected officer of the sept or lineage; all its members were joint owners of the common estate, which was strictly settled in tail to the whole of the lineage. No man could sell the inheritance of his children, and there were neither landlords nor tenants. The two administrative officers, the chief and the *tanist*, had their own official demesnes, which did not descend to their children, but went like church land, or clerical income, to him who succeeded to the office.

A system so unique differs in many respects from that of any of the more ancient semi-civilized nations. The Egyptians appear to have owned their land in severalty, for

they sold it to Joseph for Pharaoh. The Israelites, though prevented from selling their land in perpetuity, could mortgage it until the year of jubilee. The tribal lands could not leave the tribe, they descended to the children or next of kin. The Greeks and Romans both recognised ownership in severalty. The *tanistry* system, which reached back to a period more remote than the foundation of Rome, appears to have arisen simultaneously over the entire island, and to have existed, notwithstanding many isolated invasions, until it was partially displaced by the landing of the Anglo-Normans, and was wholly abrogated, not by legislation, but by a legal decision in the reign of James I.

Professor Sullivan's introduction to O'Curry's *Essays* describes the division of the Irish people into classes. I have endeavoured to condense his statement thus:—In Ireland, as in every other part of Europe, we can trace the existence of the two great classes, the free and the unfree. Amongst the free there were privileged classes called *Aires*: there were two classes of *Aires*, those who possessed land, or *Deis*, who were called *Flaths*, and those who possessed cows or other cattle, who were called *Bo Aires*. The class of tribesmen called *Ceiles* were divided into two categories, the *Saer* or free *Ceiles*, and the *Daer* or base *Ceiles*; an ancient manuscript, H. 3, 18, T.C.D., p. 119, says, "It is competent for a man never to accept base wages from any man unless it be his own will to do so, and it is competent for him not to receive *Saerrath* (free wages) from any one but a king, but he is not entitled to refuse the free wages of his king. Every man in the *Tuath* is bound to receive wages of a *Rig Tuatha*."

All *Ceiles*, whether free or base, had certain definite rights in the territory, and had the right to have a habitation and the usufruct of the land. The free *Ceiles* paid *Bes Tigi*, or house tribute, the base *Ceiles*, *Biatid*. If a *Flath* exacted more *Biatid*, &c., than he was legally entitled to, he was bound to recompense his *Ceile* by additional wages. The *Saer Ceile* formed the body-guard of the chief. The *Daer Ceiles* sometimes received benefices of land. In a lower

position in the social scale were the *Bothacks* or cotters, the *Leu Cluthes* or house servants, and the *Fueders* or strangers, outdoor labourers; the latter were *Saer Fueder*, free labourers, and *Daer F'ueder* or base, servile labourers. The *Daer Fueders* became tenants from year to year, but if they served for three generations they acquired rights to the possession of land. The *Flath* could have *Bothacks* or *Fueders* of any class on his land. The *Ceiles* alone had political rights, that is, a definite position in the tribe or *Tuath*. The *Bo Aire*, if wealthy, became a *Flath*. It is obvious that the main distinction lay between the "lineage," the members of the family, and strangers who had either been captured in battle, been purchased as slaves in England, or come amongst the sept in search of fortune. The *Ceiles* appear to have been part of the "lineage," and as such entitled to greater privileges than captives, slaves or aliens. This view is borne out by one of the most important ancient Irish documents, the *Crith Gablach*; it is in the form of question and answer; it relates to the classes of society, and their privileges among the ancient Irish. It commences,—

"What is Crith Gablach?—Answer: The thing which the man of a tribe accumulates for his benefit in the territory till he is admitted to the rank of the legitimate possessors of the territory; or other increase by which distinction is given to the grades of the people."

There is here an evident distinction between the "man of the tribe," the lineage, and strangers. It will be seen he should prove his worthiness by increasing the wealth of the tribe, and was then placed by the tanist among "the legitimate possessors of the territory," or receive other distinction. The grades of the people were "a Fer-Midbe, a Bo-Aire, an Aire Dessa, an Aire Tuise, an Aire Forgaill, and a Ri. They were ennobled by the possession of *Deis*-land, which was in the award of the tanist, and they ranked in the tribe and out of it, according to the rank which they won. The *Tanose Righ* (tanest of a king) was so called because he was elected by the whole territory. The seven occupations in law of a King were—Sunday, ale-drinking, for he is not a lawful Flath who does not distribute ale every Sunday. Monday,

at legislative government of the tribe ; Tuesday, at chess ; Wednesday, seeing greyhounds coursing ; Thursday, the pleasures of love ; Friday, at horse-racing ; Saturday, at judgment.

The *Flath* could either work his land with *Fueders*, or let it to *Ceiles*, but as his own holding terminated with his life, the lettings were usually of short duration. Any buildings became the property of the *Flath* at a valuation, but if evicted before the expiration of the term, the occupier was entitled to his buildings, and if evicted without cause he was entitled to his rent as well as his house. Village land let for the purpose of growing a manured crop reverted to the owner at the end of the term ; if no term was specified the hirer of the land was entitled to its possession, until he had exhausted the manure. With reference to the quantity of land attached to a dwelling-house he says (p. xxxix.)

“ The Norse *Bo'l* and *By* appear to be synonymous ; at least there is no doubt that *By* originally was a mansion or principal farmhouse, including, of course, sufficient land to keep a family in independence. In Ireland this appears to have been the quantity of land sufficient to graze twenty-one cows or three cumals, the legal qualification of a *Bo Aire* of the lowest class, that is, of a free man having political rights, and in addition a certain quantity of forest, and sufficient meadow land to provide winter fodder. The following curious Irish entry in the Book of Armagh appears to represent such a typical homestead :—“ Cummen and Brethan purchased Ochter-u-Achid with its appurtenances, both wood and plain and meadow, together with its habitation and its garden.”

The annals of the Four Masters, a work of some authority, informs us that gold was smelted in Ireland and made into cups, brooches, &c., as early as 354 B.C., that cloths were dyed. Each rank was known by the number of colours in their garments, kings wearing six colours, while the peasantry were obliged to wear a dress of one colour. Rings and chains were worn by the kings and chieftains.

The Irish *Seisreach* was the extent of land which occupied one plough, and represented the ploughland or carracute of

England, and the Saxon "hide of land." According to a curious poem attributed to the antediluvian Fuitan, but which belongs in substance, though not in language, to about the sixth or seventh century, has been published by Professor O'Curry in his tract on the battle of Moylena, there were in Ireland 184 *Trincha Céds*; 5,520 *Baile Biatachs*; 22,080 *Caethranehadhs* or quarters; and 66,240 *Siesreachs*, or ploughlands, which would be equal to 132,480 *Ballyboes*, or habitations of freeholders, or 7,948,800 Irish acres, the remainder, 5,000,000 acres, being bog or mountain. At present there are 325 Baronies, and 62,205 townlands, the average acreage of the latter being 324·6 acres.

I have already referred to the assemblage of the legislators by Ollamb Fodhla, and to the collection of the laws made by him; they are called the *Psalter of Tara*. Irish records also refers to the *Psalter of Cashel*. The annals of the Four Masters inform us that in A.D. 266 Cormac collected the laws and formed them into a book known as the *Psalter of Teamhair*. It contained a survey of the land of Ireland, and articles relating to Irish laws, genealogy, history, topography, &c., and at a late period, at the suggestion of St. Patrick, the laws were again collected, and the *Seanchus and Feanchus*, (*i. e.*, history and law), now called *Senchus Mor*, or Cain Phadrig (Patrick's) law, was compiled. It was esteemed of such authority that no individual Brehon dared to abrogate it. This collection of laws, though more recent than the others I have named, possesses great antiquity, and was compiled before either the Justinian or the Theodosian codes.

The work of the several assemblies appears to have been one of compilation or collection, rather than of legislation, and in this there is a close resemblance to the theocracy of the Israelites, who received a heaven-given law with strict injunctions to observe its dictates, but neither judges, priests, nor kings were authorized to alter its conditions. There was no such thing as a Re-form Bill; the *form* of its enactments, its requirements, and its penalties were prescribed, and there was therefore no need of re-forming them. Legislation in Ireland

appears to have been tribal, and to have rested upon patriarchal institutions ; the system would be properly described by the words "customary law." The collection or codification which took place tended to secure uniformity over the whole country, but the highest officer, the *Rig Tuatha*, or king, was neither endowed with the right of legislation nor the power to enforce the laws. These privileges appertained to the sept or tribe which acted through its elected officers, the chieftain and tanist. The laws were expounded and explained by the Brehons, who appear to have possessed functions similar to those of the courts of equity, in applying to a new class of incidents the principles of existing legislation.

Much jealousy existed as to the ownership of these ancient psalters. They were preserved with the most watchful care, and classed among the choicest treasures.* The more recent

* AN ANCIENT PSALTER.—Fac-similes of Irish national MSS. are at present being selected and edited by Mr. Gilbert, of the Public Record Office of Ireland. The first part of the collection, which will be one of profound interest to Irish scholars, is nearly completed. We learn from a report just issued, that among the documents, fac-similes of which have been prepared, is a Latin psalter styled "Cathach," or the "Fighter." It is ascribed to the hand of St. Columba, who made Iona famous, and receives its name from the antique metal casket in which it is preserved. The legend is that, while sojourning with St. Finnen, in Ulster, he borrowed this psalter, and "copied it furtively in his church, with the aid of miraculous light, in the night-time." Finnen claimed the copy as his property, but Columba did not recognise his right, and King Diarmid was appealed to. His Majesty decided "that as to every cow belongs her calf, so to every book belongs its copy." Columba did not see the force of his analogical reasoning, and kept the treasure. The psalter was preserved as a sacred heirloom among his kindred the O'Donels, who ruled in the most western part of the north of Ireland, styled Tir Conaill, or the land of Conaill, from their progenitor of that name, and now known as Donegal. The present casket was made towards the eleventh century by the direction of Cathbar O'Donell, head of the clan. It was long believed that if the Cathach was borne thrice before battle on the breast of a sinless cleric round the troops of the O'Donels, victory would be secured to them in a just cause. "To open the Cathach," says the report, "was thought unlawful, and would, it was thought, be followed by death and disasters among the O'Donels." It ultimately came into the possession of Daniel O'Donel, who raised a regiment in Ireland for James II.,

of these law tracts is the *Senchus Mor*. Its text and a translation has been published by the commissioners appointed in 1852. It has formed the basis of Sir Henry Maine's justly celebrated essay on ancient institutions; it is said to have been compiled by nine eminent men, a treble trinity, Kings, Brehons, and Prelates: King Laighaire, King Daire, King Core; Rossa, Duththack, Fergus; St. Benignus, St. Patrick, and St. Caernech. It is not my object to give you any description of this body of ancient Irish law, I only mean to deal with that portion relating to landholding. As I have already remarked, these law tracts do not either give or define the possession of land, nor do they allude to any rent except that which is called "food rent," to which I shall presently refer.

The transcripts were made by the late Dr. O'Donovan and the late Professor O'Curry, from law tracts in the Irish language in the libraries of Trinity College, Dublin, of the Royal Irish Academy, of the British Museum, and in the Bodleian Library at Oxford. The transcripts made by Dr. O'Donovan extend to nine volumes, comprising 2,491 pages, and the transcripts made by Professor O'Curry are contained in eight volumes, extending to 2,906 pages. They did not live to revise and complete their translations. The preliminary translation executed by Dr. O'Donovan is contained in twelve volumes, and the preliminary translation executed by Professor O'Curry in thirteen volumes.

They are now in course of publication under the title of the *Senchus Mor*, the great laws. Sir Henry Maine says of them,—

"The *Senchus Mor*, the great book of the ancient laws, was doubtless a most precious possession of the law school or family to

and afterwards became a brigadier in the French service. It remained on the Continent until 1802, when it was transferred to Sir Hugh O'Donel, of Newport, in the county of Mayo. In 1814 his widow began proceedings in Chancery against Ulster King of Arms, for having opened the Cathach without permission. The manuscript, it is said, now consists of fifty-eight leaves of vellum, many of which at the commencement are damaged.

which it belonged, and its owners have joined to it a preface in which a semi-divine authority is boldly claimed for it. Odhran, the charioteer of St. Patrick—so says the preface,—had been killed, and the question arose whether Nuada the slayer should die, or whether the saint was bound by his own principles to unconditional forgiveness. St. Patrick did not decide the point himself. The narrator, in true professional spirit, tells us that he set the precedent according to which a stranger from beyond the sea always selects a legal adviser. He chose to go according to the judgment of the royal poet of the men of Erin, Duththach Mac na Lugair, and he ‘blessed the mouth’ of Duththach. A poem, doubtless of much antiquity and celebrity, is then put into the mouth of the arbitrator, and by the judgment in it Nuada is to die; but he ascends straight into heaven through the intercession of St. Patrick. Then King Laighaire said, ‘It is necessary for you, O men of Erin, that every other law should be settled and arranged as well as this.’ ‘It is better to do so,’ said Patrick. It was then Duththach was ordered *to exhibit all the judgments and all the poetry of Ireland, and every law which prevailed among the men of Erin.* . . . This is the Cain Patraic, and no human Brehon of the Gaidhil is able to abrogate anything found in the *Senchus Mor*.”

The manuscript from which the “*Senchus Mor*” is translated and published contains the following touching note:—

“One thousand three hundred two-and-forty years from the birth of Christ till this night; and this is the second year since the coming of the plague into Ireland. I have written this in the twentieth year of my age. I am Hugh, son of Conor M’Egrim, and whoever reads it, let him offer a prayer of mercy for my soul. This is Christmas night. I place myself under the protection of the King of heaven and earth, beseeching Him that He will bring me and my friends safe through the plague. Hugh wrote this in his father’s own book in the year of the great plague.”

Another of the manuscripts containing Irish law tracts has the following entry:—

“This is the eve of the great festival of Mary, and it grieves me that Donough O’Brien is in danger of death from the son of the Earl of Ormond, and it is a wonder to me that Cuirbre is courting council from Connor. The Park is my residence. Magnus for Domhnall and himself travelling, Eiri A.D. 1567.”

These laws treat of the mode of recovering debts, and give the law of distress at considerable length, but they do not recite the origin of the division of land among tribes, or the subdivision among the members of the sept. There was, as I have already stated, no such relation as landlord and tenant, and I am informed that there is not a word in the Irish language which can fairly be translated to mean the Saxon derivative, "*a holding*," or the Latin derivative, *tenure* or *tenement*. The absence of any such words in the language is an indication that the Irish institutions only recognised one estate in land; in this it was in harmony with the institutions of the more ancient systems. The creation of two estates, the ownership or *quasi*-ownership, and the estate of use, was the invention of the Romans, and was adopted by those countries whose systems were moulded upon the jurisprudence of Rome.

I do not find in the "Senchus Mor" distinct indications as to the mode of distributing chattels, yet I am disposed to adopt Sir John Davis's view, that they went in gavelkind; but it seems that some men had cattle without land, while others had land without cattle; or the expression may be qualified by saying that one man had land in excess of his stock, while another had stock in excess of his land. Hence arose a sort of partnership, and the Brehon code deals at length with the circumstances arising from one man using the stock of another. These laws appear under two distinct heads, *Cain Saerrath* and *Cain Aigillue*: the former, as I am informed, means honour or personal relations, and the latter, "tribute or fine," and "forfeit." I am assured that there is nothing in the Irish words to justify the translation which appears in the preface as well as in the margin, Saer-stock *tenure* and Daer-stock *tenure*. The addition of the word "tenure" conveys an incorrect idea, and the writers of the preface, as well as Sir Henry Maine, who has adopted their views, have applied the word "tenure" to the land and not to the stock. There was undoubtedly a "holding" of the cattle, as they were rented or hired, but there was no claim upon the land in consequence

of these relations. The writers of the preface to vol. ii., p. 49, thus describe the law :—

“In ‘Saer’-stock tenure the chief gave the stock without requiring any security from the tenant. He gave it in consideration of receiving an annual return for seven years of one-third of the value of the stock given. The chief might claim this return in the form of manual labour at the time of the erection of his ‘dun’ fort, or of the reaping of his harvest ; or if the chief did not need manual labour, he might require the ‘saer’-stock tenant to attend him in a military expedition, and to send a man to do homage to him at the payment of rent.”

This passage would read quite as well if the word “tenure” in the first line and tenant near the end were omitted : they suggest ideas with regard to the land quite at variance with the Brehon code. The stockholder held the stock, he was tenant of the stock, and paid rent or tribute for the stock, but none of these capacities affected his ownership of his lands.

The preface to vol. ii. of the “*Senchus Mor*,” p. 1., adds,—

“The principal Irish tenure appears to have been ‘daer’-stock tenure, into which the tenant entered by choice, and in which he was required to give security for the stock he used. From the optional nature of the tenure, the law respecting it was called ‘Cain Aigillue,’ that is, the ‘Cain’ law of options in tenure. The securities given were called ‘Giallna’ securities, to distinguish them from kinsmen’s securities. . . . The ‘Cain Aigillue’ contains traces of very careful provisions for guarding against the arbitrary termination by either chief or tenant of ‘daer’-stock tenure when once entered into.”

The laws appear to be based upon the principle of making the stock borrower pay the stock lender double food-rent for the year if he returned the stock without the consent of the lender, inasmuch as he might not have grazing-ground for the stock so returned. If the stock lender recalled his stock the borrower was entitled to one-third of it, and was exempted from payment of his honour price ; otherwise his land might lie idle.

These arrangements did not in any way affect that which we understand by the word “tenure,” that is, a man’s farm,

but they related solely to cattle, which we consider a chattel. It has appeared necessary to devote some space to this subject, inasmuch as that usually acute writer Sir Henry Maine has accepted the word "tenure" in its modern interpretation, and has built up a theory under which the Irish chief "developed" into a feudal baron. I can find nothing in the Brehon laws to warrant this theory of social Darwinism, and believe further study will show that the *Cain Saerrath* and the *Cain Aigillue* relate solely to what we now call chattels, and did not in any way affect what we now call the freehold, the possession of the land.

There is nothing in the *Senchus Mor* at all contradictory of the statements made by Spenser and Sir John Davis, that the *tanistry* system gave every member of the sept or tribe the life ownership of a portion of its lands; that the official lands attached to the position of Chieftain and Tanist were not divisible, but partook of the nature of a benefice; they went whole and undivided to the successor to the office, and I can find nothing to warrant the conclusion arrived at by Sir Henry Maine, that the chieftain could give strangers the lands of the sept. *Fosterage* was a portion of the tanistry system, and those who were adopted by the sept shared in its responsibilities and enjoyed a portion of the lands. The chieftain and tanist each enjoyed his lands for his own life, and therefore they had no power of giving them away; they were tilled by the *Fueders* or *Bothacks*.

After the Norman invasion, and during the unsettled state of the country, the chieftains may have imitated the example of the Norman barons, and striven to make for themselves a title similar to that imported into Ireland by the strangers, but I doubt if anything of this kind existed while the Brehon code was in full force, before the invasion of the Danes and the Normans.

The early Norman and English settlers denounced the tanistry system as barbarous and uncivilized, and acted towards it in the same manner as the English of recent times have acted towards the Hindoo and New Zealand land

systems ; in the former they have looked upon the Zemindar, and in the latter the chieftain, as enjoying the same rights as the feudal baron. The English in both these countries have done the same injustice to the inferior owners which their forefathers did to the inferior members of the Irish sept or tribe. Mr. Thornton, a writer whose very able works deserve the serious consideration of our statesmen and legislators, has shown the manner in which the estate of the ryots was, by mistaken legislation, transferred to a class who were mere tax-gatherers ; and thus in India as in Ireland the sympathies of the mass of the people was estranged from British rule, the people regarded the invaders as spoliators, who had not only assumed the government, but deprived them of their rights. As I shall have to speak hereafter of these changes I shall not dwell on them now ; but before I close this portion of my subject would like to give you some idea of the state of Ireland when the unmixed tanistry system prevailed. It was refined and elevated by the introduction of Christianity, but was broken in upon by the incursion of the Danes.

The earliest missionaries are dubious. The Irish traced their Christianity through Irenæus to St. John, thus carrying back their faith to the Holy Land ; the bull of Pope Clementine to Palladius, who visited Ireland before the landing of St. Patrick, authorizes him to visit "our brethren in Christ in Ireland," thus asserting the previous introduction of Christianity. But it must have been confined to special districts, for there appears to have been a wide field for the labours of St. Patrick. It has, however, been a puzzle to learned men to discover how so many of the rites of the Eastern or Greek Church were implanted or existed in Ireland for many centuries. It is said, "If St. Patrick was the real founder of Irish Christianity, and was connected with the Latin Church, how does it come to pass that the Irish Church corresponded in its formulæ with the Greek Church, and why did it teach its rites in Scotland, England, and France ?" I cannot solve this difficulty, but it seems to imply a settled

church with established formulæ before St. Patrick's visit, and it is quite clear he did not disturb these usages, and that they continued for centuries after his death.

It had been the custom to misrepresent this system of land-holding, and to describe it as barbarous and inequitable, but more recent inquirers, on the Continent as well as in England, are beginning to take a different view, and to recognise the equity and humanity of the Brehon code. It may not be out of place to glance at the history of Ireland to ascertain what was the effect of the *tanistry* system, and of the laws regulating the possession of the soil. Land is a bond of union. Its produce satisfies man's physical wants. Its distribution is the basis of legislation. During the existence of *tanistry*, Ireland was the ark, in which the knowledge of the Western world rode secure amid the turmoil of the Gothic invasion. It was the school of learning for Western Europe. King Alfred was educated in Ireland, and it furnished the first masters to the Universities of Paris and Padua. The scholastic institutions of Bangor, in the county Down, and Lismore, in the county Waterford, educated thousands of pupils. Bangor alone is reported to have had five thousand students. The Irish missionaries visited and settled in the south of Scotland, the north of England, in France, and in Switzerland, where the memory of an Irish scholar is perpetuated in the name of St. Gall. Ireland gave bishops to Northumberland and to Germany, and she then received from Europe the title of "the Isle of Saints." One of her learned sons, Donatus, who succeeded Albinus as head of the college at Padua in the ninth century, left a Latin description of Ireland at that time :—

"Far westward lies an isle of ancient fame,
By nature blessed, and Scotia is her name,
Enrolled in books; exhaustless is her store
Of veiny silver and of golden ore;
Her fruitful soil for ever teems with wealth,
With gems her waters, and her air with health;
Her verdant fields with milk and honey flow,
Her woolly fleeces vie with virgin snow;

Her waving furrows float with bearded corn,
 And arms and arts her envied sons adorn.
 No savage bear with lawless fury roves,
 No rav'ning lion through her sacred groves,
 No poison there infests, no scaly snake
 Creeps through the grass, nor frogs annoy the lake ;
 An island worthy of its pious race,
 In war triumphant, and unmatched in peace."

The venerable Bede, in his history, tells of the munificence and liberality of the Irish. He says,—

"These visitors were most willingly received by the Scots [thus he terms the Irish], who maintained them at their own charge, supplied them with books, and became their teachers without fee or reward."

This passage of Bede should never be quoted without a recollection of the comment presented by Lord Lyttleton, who styles it "a most honourable testimony, not only to the learning, but likewise to the hospitality and bounty of the Irish nation."

John Sulgen, son of Sulgen who was Bishop of St. David's in the year 1070, thus describes the condition of Ireland, and their bounty towards strangers. He thus wrote in the life of his father :—

"With ardent love for learning Sulgen sought
 The school in which his fathers had been taught ;
 To Ireland's sacred isle he bent his way,
 Where science beamed with bright and glorious ray.
 But lo ! an unforeseen impediment
 His journey interrupted as he went ;
 For sailing toward the country where abode
 The people famous in the word of God,
 His bark, by adverse winds and tempests tossed,
 Was forced to enter on another coast ;
 And thus the Albanian [Scotch] coast the traveller gained,
 And there for five successive years remained.

* * * * *

At length arriving on the Scottish [Irish] soil,
 He soon applies himself to studious toil.
 The Holy Scriptures now his thoughts engage,
 And much he ponders o'er the oft-read page,
 Exploring carefully the secret mine
 Of precious treasure in the law divine ;

Till thirteen years of diligence and pain
 Had made him affluent in heavenly gains,
 And stored his ample mind with rich supplies
 Of costly goods and sacred merchandise ;
 Then, having gained a literary name,
 In high respect for learning, home he came,
 His gathered store and golden gains to share
 Among admiring friends and followers there."

The late Rev. Arthur West Haddan, in an article upon the Scots (Irish) on the Continent, which will well repay perusal, speaks of the race of scholars, who from the sixth to the tenth century went forth from Bangor and Lindisfarne upholding Greek learning and philosophic speculation, asserting the freedom of the will, believing in the existence of the Antipodes, by far the best astronomers of their time, who well nigh anticipated the theory of Copernicus. This remarkable and interesting school followed in the wake of St. Columbanus forming into famous societies at Luxeuil, St. Gall, and Bobbio, and branching off into minor foundations at Reichenau, Disentis, Remiremont, Lure, Jouarre, Faremoutier, Lagny, Hautvillers, Moutier-en-Der, Fontenelle, and Jumieges.

Mr. Haddon says of Ireland :

"In the gradual development of the Papal power she remained in her isolation a standing proof of the novelty of theories unknown to the Church in earlier times, a living instance of what had formerly been held for truth, an island not absorbed by the rising waters of the Papacy, until, indeed, the twelfth century."

A curious though well-authenticated discussion as to the position of the Irish Church occurred at the Council of Constance, A.D. 1414 :—

"There was an ancient custom in those councils of voting by 'Nations, as it was called. Four 'nations' were acknowledged—viz., France, Spain, Germany, and Italy. These 'nations' were not 'kingdoms.' Each was a collection of several independent kingdoms. They had the lists ; and they found that each 'nation' comprised six or eight kingdoms, whose governments were independent of each other. At the Council of Constance, which was held A.D. 1414, the King of England claimed that the English should be acknowledged as a separate 'nation,' having a vote of their own in the council. The King of France was very jealous at this, and ordered his ambassadors to protest against it in the council ; their

protest is given in the appendix of the council to which he had referred. The ambassadors insisted that England had always been reckoned part of the German 'nation' in all general councils; and they maintained that it ought to be so still, for, as England had only twenty-five bishops, it was absurd that so few should have a separate vote in the council. The ambassadors of the English king were heard in reply, and they did not deny either of the above statements; but they said, in answer to the fewness of their bishops, that the Irish, who had sixty dioceses, were united with them in the 'Anglican nation,' and taking in the Welsh, and some Scotch bishops who joined with them, there were 110 bishops altogether. And in answer to the statement that England had always been counted part of the German nation, and not a nation in itself, they did not deny it; on the contrary, they seemed to admit that this was true; but then they quoted St. Albert the Great and Bartholomæus as follows:— 'That the whole world being divided into three parts, viz., Asia, Africa, and Europe; Europe is divided into four kingdoms—first, the Roman; secondly, the Constantinopolitan; third, the kingdom of Ireland, which is now translated to the English; and the fourth, the kingdom of Spain. From which it appears that the King of England and his kingdom are of the most eminent and the most ancient kings and kingdoms of all Europe, which prerogative the kingdom of France cannot obtain.' Such was the defence of the ambassadors of England. They did not rest their claim upon the rights of England itself, but on her inheriting the ancient rights of Ireland; and thus England obtained dignity in Europe and influence in Christendom by her union with Ireland. For this defence having been heard by the Council of Constance, they decided that England and Ireland united should vote and rank as a separate nation, thus giving them an influence in the council which the King of France sought to prevent, and which would have been wholly lost if England had stood alone. As an appropriate acknowledgment of their obligation to Ireland, the 'Anglican nation' was thoroughly represented in that council by 'Patrick, Bishop of Cork.'"

I have endeavoured as briefly as possible to convey a correct idea of the land system of this period, which comprised nearly eighteen centuries, and during the latter portion Ireland was renowned for its learning and civilization. The Irish people naturally revert to this portion of their history with pride and satisfaction, and later writers, both English and foreign, are disposed to do justice to the humanity and excellence of the Brehon code of laws and the *tanistry* system of landholding.

PART II.—THE SCANDINAVIAN OR MIXED PERIOD.

THE comparatively peaceful and prosperous state of Ireland which existed under the Tanistry system of landholding, the Brehon social code, and the sway of Christianity, was broken in upon by the incursions of the Scandinavian sea robbers. They were called Esterlings or Ostmen, and also Galls, or foreigners. Their piratical expeditions commenced about the end of the eighth century, and whilst they infested England and France, Ireland did not escape. Their first invasions were made in small parties, for the sake of plunder, and they were frequently repulsed. By degrees the invaders, either by force or treaty, obtained some small settlements. The Irish, though too prone to predatory incursions, had no national armament, no united force to meet the disciplined hosts thrown upon their shores. Ireland had enjoyed such a state of peace, that there were no fortified places, no baronial residences ; and hence it was easily overrun and ravaged. But the people rallied, and waged a not unequal war with the invaders, who failed to establish a dynasty in Ireland, though they did so in Normandy and England. The aboriginal English succumbed to the Anglo-Saxon, but the Irish resisted and defeated the Danes.

The first shocks of their invasion fell with great severity upon a people without central government, none of whose chieftains could bring into the field a force numerically equal to that of the invaders ; they were defeated in detail. The Irish chieftain and the Tanist were both elected by the sept which spontaneously upheld their authority ; therefore there was no need of the feudal castle with its band of armed men. The services of the tribes were not compulsory. The Anglo-Saxon thane, or earls, surrounded their dwellings with a moat or ditch, they were approached by a drawbridge, they were protected with a portcullis and gates, they were furnished with armed men, and from the lofty keep the watchman gazed with unwearied eye over the country in order to detect the approach of a foe and give timely warning of danger.

The Celtic chieftain needed none of these safeguards. The clans might have wars with neighbouring or other clans, and might engage in warlike expeditions, but the rights of individuals became so merged in the general interests of the clan as not to produce the evils which arose from the arbitrary rule of petty chiefs. This comparative confidence had its own peculiar evil; the country was unprotected, and when invaded, either by the Danes or the Normans, there were few fortified places to retard their march.

The rapidity with which these invaders overspread the nation is attributed by Sir John Davis to the absence of castles and fortified places. He wrote,—

“Though the Irishry be a nation of great antiquity, and wanted neither wit nor valour, and though they have received the Christian faith above 1,200 years since, and were lovers of poetry, music, and all kinds of learning, and were possessed of a land in all things necessary for the civil life of man, yet, strange to be related, they did never build any houses of brick or stone, some few poor religious houses excepted, before the reign of King Henry II., though they were lords of the Irish many hundred years before and since the conquest attempted by the English. Albeit when they saw us build castles upon their borders, they erected some few piles for the captains of the country, yet I dare boldly say that never any particular person, either before or since, did build any brick or stone houses for his private habitation, but such as have lately obtained estates according to the course of the law of England. Neither did any of them in all time plant any garden or orchard, settle villages or towns, or make any provision for posterity.”

We have here the picture of a nation enjoying all that contributes either to the wants or luxuries of life, and yet in the enjoyment of laws which promoted such commutative justice that at a period when nearly the whole of Northern Europe was studded with fortified castles, the residences of spoilers and oppressors, the Irish people enjoyed their “poetry, music, and all kinds of learning;” they “possessed all things necessary for the civil life of man,” and yet were free from the continued apprehension that some neighbouring lord would

swoop from his eyrie, and seizing their lamb in his powerful talons, bear it to his hold. The debauch and riot which disgraced the baronial hall, and debased alike the knight and the man-at-arms, were unknown amid the purer life of the Celts, who, actuated by nobler purposes, cultivated their own minds and then became missionaries, carrying to the outer world the sublime truths of Christianity and philosophy.

In the year A.D. 795 the first attack of the Danes upon the coast of Ireland was made. They laid waste the island of Rathlin, off the coast of Antrim. In 798 they attacked the coast of Ulster, and in 802 set fire to the monastery of Iona, and destroyed many of the monks. In 807 they effected a landing in Ireland, and penetrated as far as Roscommon, which they then destroyed, laying waste the surrounding country. The French annals inform us that in A.D. 812 :—

“The fleet of the Normans having attacked Ireland (the island of the Scots), after a battle had been fought with the Scots, and no small part of the Normans killed, returned home in disgraceful flight.”

Father Walsh thus expresses his sorrow at the devastation of the Danes :—

“There was no monarch in Ireland now (the ninth century) but the saddest interregnum ever any Christian people had or heathen enemies could wish. No more king over the people but that barbarous heathen Turgesius. No more now the island of saints, nor mart of literature. No more Beauchun (Bangor) to be seen, but in ashes now a second time, all the holy monks thereof murdered by the cruel Danes, and buried under its rubbish. No more the monastery of Fionbaur, at Cork, at which 700 conventual monks, and together with them seventeen bishops, at one time wholly devoted themselves to a contemplative life. No more that wonderful cloister of all for angelical visions and communications under St. Mochada, at Ruthin first, and then at Lismore, containing no fewer than 100 of the most remarkable monks for sanctity that have ever been of any age or nation. No more the celebrated cells of Maghbile, or any at all of

so many holy places echoing forth continually the praises of God. No more the renowned schools of Dundaleagthghlus, Armagh, Lismore, or Cashel. No more a university, or academy, or college of learning in all the land, nor foreigners coming to admire or study in them."

These cruelties of Turgisius were avenged by Olchoban Mac Knee, who was at first Abbot and Bishop of Emly, but was afterwards raised to the throne of Cashel or Munster. In 846 Emly was invaded, and the residence of the bishop attacked. This roused the spirit of the warlike bishop, who attacked and defeated Turgisius. The cruel chieftain gathered his adherents and again attacked and expelled the Primate, Foraina, and his clergy, and burned the place. He was attacked by Melsiachlin, King of Ireland, and defeated and killed. Colgan says that during the several invasions of the Danes, Armagh was six times plundered, twice laid waste, and thirteen times burned. Kells was five times ravaged and thirteen times burned. Kildare was ravaged fourteen times and burned ten times; Clomacnoise was burned eleven times and plundered twenty-three times; and Cork was ravaged five times and set fire to seven times.

In 853 the Norwegian Prince Amlave (whose name is also written Olaff or Auliffe) came to Ireland, accompanied by his brothers Sitiu and Ivar. One of them built Dublin, another Limerick, and the third Waterford. They became converts to Christianity, and Olaff, or Saint Olaff, gives his name to one of the parishes and a church in the city of Waterford.

In the beginning of the tenth century the power of the Danes received a check. Flan Sivima was then King of Ireland; he repeatedly defeated the Danes. The uncultivated lands began to be tilled again, and Christianity dared to show its face once more, and the seminaries of learning began to flourish with new vigour. Cormac, King of Munster, collected and compiled the Irish historical records, which are known as the *Psalter of Cishel*, and built the beautiful small church on the Rock of Cashel called Cormac's Chapel. In his reign the Northmen or Danes returned, and after his death they

attacked Ireland with fresh vigour. Waterford, Cork, Lismore, and Agaboe first felt their fury. They again spread misery and desolation through various parts of the isle. During this century the war between the Irish and the Danes was waged with varying success, until at length they were defeated by Brian Boroimhe at the battle of Clontarf in 1014, at which he and his son Morogh, and his grandson Turlogh, were slain. Churches, schools, and other religious establishments were erected and rebuilt, roads and bridges were constructed through the country, and the public highways put into repair. The lands, too, which had been usurped by the Danes were restored to their original proprietors, the pagan foreigners being expelled from them.

The necessity of defending themselves from foreign invasion led to changes in the social system of the Irish, and to the disturbance of that order which prevailed for centuries. Force was required to repel force; hence organisms arose quite foreign to its ancient institutions. The existence of armed disciplined bodies which sprung from invasion fostered ambition that led to schemes of conquest and disorder. Those who had taken up arms to defend their rights became themselves aggressors. There was no sufficiently strong central authority to repress violence; hence disorder and confusion prevailed to a greater extent than formerly.

The presence of the foreign element acted like a cancer in the system, and led to the further interference of strangers, and unhappily the religious element played an important part in these transactions and aggravated the evil. The Irish Church maintained a semi-independent existence, and enjoyed until the twelfth century a ritual almost identical with the Eastern or Greek Church. The invaders, however, having an affinity to the Normans, placed themselves under the banner of the Latin Church. When William of Normandy secured the English throne he thrust aside the Saxon prelates, and placed Lanfranc, an Italian, in the see of Canterbury. The Danish settlers in Ireland, being of the same race as the Normans, seized upon the opportunity of winning for themselves foreign aid. The

cities of Dublin, Limerick, and Waterford almost simultaneously elected bishops, but, instead of having them consecrated in Ireland or in connection with the Irish Church, they sent them to England, and thus established an Episcopacy in Ireland, not in connection with the Irish Church, and giving the see of Canterbury a pre-eminence over Armagh. Patrick, who was chosen Bishop of Dublin in 1074, went to England to be consecrated by Lanfranc, Archbishop of Canterbury, and made the following profession of obedience :—

“Whoever presides over others ought not to scorn to be subject to others, but rather make it his study humbly to render in God’s name to his superiors the obedience which he expects from those placed under him. On this account I, Patrick, elected prelate to govern Dublin, the metropolis of Ireland, do offer thee, reverend father Lanfranc, Primate of Britain and Archbishop of the Holy Church of Canterbury, this charter of my profession ; and I promise to obey thee and thy successors in all things appertaining to the Christian religion.”

The submission of even a portion of the people in Ireland to the rule of the Norman tempted William I. to invade Ireland, but death prevented the fulfilment of his intentions and delayed that event.

The period of Danish irruptions was, however, like the seedtime, in which, amid apparent defeat, the ploughshare and the harrow tore the social system asunder and spread seeds destined to affect the entire system. Nor were other influences wanting. The Irish Church held, on various points, dogmas more in accordance with the Greek than the Latin Church, and some historians assert that the authority of the Roman Pontiff was not as implicitly acknowledged as in other parts of Western Europe. In Northumberland and in France the Irish missionaries were denounced for holding views different from those of the Latin Church. The Irish archbishops did go to Rome for the pallia. Indeed, Cardinal Barnabo goes so far as to declare that the Irish, at this period, were schismatics. Some of the Irish ecclesiastics, who derived their orders from Canterbury, were desirous of securing greater

apparent uniformity ; and one eminent prelate died in Switzerland on his second visit to Rome to promote this object. These negotiations led to the visit of Cardinal Papire, or Papeson, who came to Ireland as Legate in 1148, and in 1151 summoned a council of 3,000 ecclesiastics, and four palls were solemnly received from the Pope by the Archbishops of Armagh, Dublin, Cashel, and Tuam. At the same time the celebration of Easter was adjusted according to the usage of the Latin Church. This was the natural outcome of the election of bishops by the Danes and their consecration by the Archbishop of Canterbury. Unfortunately, at this juncture, the pontifical tiara graced the brows of the only Englishman (Nicholas Brakespeare) who ever filled the highest office in that Church, and some historians assert that he went so far as to confer the sovereignty of Ireland upon the English monarch. I have seen what purports to be the Bull of Pope Adrian IV., in which he claims that all the islands upon which "Christ, the Sun of Righteousness, hath shone, belong, of right, to the see of St. Peter's," and proceeds to give Ireland to Henry II., on condition that he would "establish the rights of the Holy Roman Church and pay Peter's pence." Adrian IV. was elected Pope in the same year (1154) that Henry II. succeeded to the kingdom ; the Papal Bull is dated 1155. Its authenticity is denied by some later Catholic writers, who say, even if it were issued, it became inoperative, according to canon law, as it was not acted upon within a year ; but older authorities admit its authenticity and validity. Matthew of Westminster, an ancient writer, says :—

"About the same time, Henry, King of England, sending solemn ambassadors to Rome, requested Adrian (who had recently been made Pope, and whose favour he confidently hoped to obtain as being an Englishman) that he would license his entering Ireland in a hostile manner, and allow him to subdue that country and bring back its beastly inhabitants to holding the faith of Christ in a more seeming manner, and induce them to become more dutiful children of the Church of Rome, exterminating the monsters of iniquity that were to be found in the country, which request the Pope graciously

complied with, and sent the monarch the following letter, granting the sanction desired."

Then follows the letter.

Cardinal Pole, in a speech to Parliament in the reign of Queen Mary, 1554, said :—

"That as Adrian was an Englishman, the tendency to add to the power and dominion of England made him willingly accede to the request made by Henry's ambassadors."

Matthew of Westminster adds :—

"King Henry, therefore, towards Michaelmas (of the same year, 1155), held a Parliament in Winchester, in which he treated with his nobles concerning the conquest of Ireland; but because the thing was opposed to the wishes of his mother the Empress (Matilda), that expedition was put off to another time."

Henry became occupied with his continental dominions, and became embroiled in the feud with the Church which eventuated in the murder of St. Thomas-a-Becket (the Archbishop of Canterbury). These events delayed the projected invasion. The Irish kings and chiefs were aware of Henry's intentions, and their knowledge may have brought about the events which subsequently took place. No great pretence could be assigned for such an invasion as Henry contemplated. Ireland was entirely independent, and except upon religious grounds there was not a pretext for such an outrage upon her nationality, but events were hurrying forward which led to the ultimate subversion of her institutions and the destruction of her independence.

The Scandinavian incursions did not, as far as I can discover, make any alteration in the system of land-holding. They ravaged and destroyed, but did not attempt to build up, and, with the exception of some seaports and cities, they do not appear to have acquired permanent territorial rights. The Irish Septs, with their Chieftains and Tanists, continued to own the land, and the Brehon Code was their legal system.

PART III.—THE NORMAN OR FEUDAL PERIOD.

IT happens not infrequently in political affairs that events of an apparently secondary character tend to promote primary objects unattainable by direct means. The opposition of the queen mother, the Empress Matilda, the indifference of the English nobles, and the feud with the Church, seemed to have put an end to Henry's ambition to add Ireland to his other dominions; but an event in no way connected with the main design brought about that which had seemed improbable and remote. Dermot MacMorrough, King of Leinster, whose tyrannical, profligate, and inhuman disposition made him an object of terror and hatred to almost every one who knew him, had provoked the vengeance of Roderick O'Connor, King of Ireland, who expelled him from his dominions, A.D. 1167, in consequence of his violent abduction of the wife of Tiernan O'Ruarc. This Irish version of the Iliad, led Dermot, whose immediate dependants had deserted him in the hour of his distress, to seek the aid of Henry. That monarch was in France, and Dermot followed him, claiming his aid, and promising that if he would restore him to his kingdom he would become Henry's vassal. Dermot was not king of Ireland, he was one of the subordinate kings, and having been guilty of crime, was lawfully expelled from his dominions. If he became vassal to Henry, that monarch would—supposing he legally stepped into Dermot's position—have been subordinate to the King of Ireland. But Henry, however desirous of reaching the object of his ambition, was personally unable to accompany Dermot to Ireland. Wishing to avail himself of the opportunity of gaining a footing for the English in Ireland, he gave Dermot the following letter:—

“Henry, King of England, Duke of Normandy, Aquitaine, Earl of Anjou, &c.

“*Unto all his subjects, English, Normans, Welsh, and Scots, and to all nations and people being his subjects, greeting,*

“Whereas Dermot, Prince of Leinster, most wrongfully (as he in-

formeth) banished out of his own country craved our aid, therefore for so much as we have received him into our protection, grace, and favour, whosoever within our nation, subject unto our command, will aid and help him whom we have embraced as our trusty friend for the recovery of his lands, let him be assured of our favour and licence in that behalf."

This document proves that Dermot only claimed to be "*Prince of Leinster*," and the aid to be given him was "*for the recovery of his land*." Notwithstanding Henry's letters of license, Dermot did not for several months succeed in obtaining succour. At length he prevailed on Richard, Earl of Pembroke, generally called Strongbow, to espouse his cause, by promising him his daughter Effa or Eva in marriage, and with her the inheritance of the princedom. This bait was swallowed by Pembroke. According to Irish law, the princedom was an elective office, which Dermot could not bestow. Strongbow secured the aid of Robert Fitzstephen and Maurice Fitzgerald, Hervey of Mountmorris, and Maurice de Prendergast, on condition of ceding to them the town of Wexford with a large adjacent territory as soon as by their assistance he could be reinstated in his rights. The invasion of Ireland was, therefore, the act of private adventurers; and as Dermot could not legally give them more than he possessed himself, the gifts were liable to all Dermot's obligations in relation to the lands. Fitzstephen and Fitzgerald landed in 1170 with 390 men. Strongbow with Raymond le Gross followed, and landed in Waterford 23rd August, 1170. Leinster was overrun, Dublin was captured, and Dermot was restored to his princedom, which he did not long enjoy, his death taking place in May, 1171. It does not appear that he ever performed the act of vassalage, or that Henry, as his superior, bestowed the order of investiture, which was part of the feudal system. Strongbow assumed the principality of Leinster as the dower of his wife; this, though consonant with English feudal law, was contrary to the Brehon Code, and, had right prevailed, Strongbow's claims, and those of his followers, were

subject to the obligations of that code, as they represented Dermod.

Henry became jealous of the rising power of Earl Strongbow, and he addressed the following inhibition to the English in Ireland :—

“We, Henry, &c., &c., forbid and inhibit that from henceforth no ship from any place in our dominion shall traffic or pass into Ireland, and likewise charge that all our subjects upon their duty and allegiance which are there shall return from thence to England before Easter next following, upon pain of forfeiture of all their lands, and the person so disobeying to be banished from our land and exiled for ever.”

Strongbow, who did not wish to lose his English possessions, or to exchange them for those he acquired in Ireland, sent the following reply by Sir Raymond le Gros to Henry.

“Most puissant Prince, my dread Sovereign, I came into this land with your Majesty’s leave and favour (as far as I remember) to aid your servant Dermod MacMorrough ; what I have won with the sword, what was given me, I give you ; I am yours, life and living at your command.”

This answer appeased Henry ; the Earl remained at the head of the English and native forces. But Henry was not satisfied with this acknowledgment of his position. He called his vassals around him and fitted out an expedition ; and in October, 1171, he landed at Waterford with 500 knights and 4,000 men-at-arms.

Roger of Hovenden, a contemporary historian, gives the following account of Henry’s proceedings in Ireland :—

“On the next day after the coming of the King of England to Ireland, namely, on Monday, October the 18th, the festival of St. Luke the Evangelist, he and all his armies proceeded to Waterford, an Episcopal city. And there he found William Fitz-Adholm, his brother, and Robert Fitz-Reinard, and certain others of his own family, whom he sent on before him from England. And there he stayed fifteen days (until there had come to him the kings and nobles of the country). And there came to him, by his own order, the King of Cork and the King of Limerick and the King of Ossy and the

King of Meath, and Reginald of Waterford, and almost all the princes of Ireland except the King of Connaught, who said that he was of right the lord of all Ireland. The King of England, however, could not by any possibility attempt to crush him in war at that wintry season, in consequence of the flooded state of the country and the rugged mountains and desert wolds that lay between them. Moreover there came to the King of England in the place above mentioned all the archbishops, bishops, and abbots of all Ireland, and they received him for king and lord of Ireland, swearing fealty to him and his heirs, and the power of reigning over them for ever, and thereupon they gave him their papers [in the form of deeds with seals attached], and after the example set them by the clergy the aforesaid kings and princes of Ireland did in like manner receive Henry, King of England, for lord and king of Ireland, and became his men, and swore fealty to him and to his heirs against all men."

Henry left Waterford for Dublin on the 2nd November, 1171, and arrived in that city on the 11th November. He remained in Ireland until the 17th April, 1172. No battle was fought while he was in the country. He was received by the Irish princes more as a protector and patron than an enemy. Henry assumed the title of Lord of Ireland, and departed without striking one blow, or building one castle, or planting one garrison. Such was the conquest of Ireland by Henry II., which was as unjustifiable as it was inefficient.

Sir John Davis, Attorney-General in the time of James I., thus describes the excursion of Henry II. into Ireland :—

"He departed out of Ireland without striking one blow, or building one castle, or planting one garrison among the Irish; neither left he behind him one true subject more than those he found there at his coming over, which were only the English adventurers spoken of before who had gained the port towns in Leinster and Munster, and possessed *some slopes of land* thereunto adjoining, partly by Strongbow's alliance with the Lord of Leinster and partly by plain invasion and conquest. The part of this island which was occupied by the adventurers, consisting of a small district round Dublin, and some ports along the south and east coasts, was taken under the direct dominion of the King of England, placed under the feudal law, and

organized on the feudal system ; the rest remained in the jurisdiction of the native chiefs and under the Brehon or Irish law."

Roderic O'Connor, King of Ireland, who had expelled Dermot for his conduct towards O'Ruarc, Prince of Breffrey, refused at first to acknowledge Henry's sovereignty, but in 1175, four years later, he entered into a treaty with Henry, which commences in the following manner :—

"This is the final treaty agreed to at Windsor on the octaves of St. Michael's Day, in the year of grace 1175, between our Lord Henry, son of the Empress Matilda, King of England, and Roderic, King of Connaught, through the agency of Catholicus, Archbishop of Tuam, and Cantordes, Abbot of St. Brendan, and Master Laurence, Chancellor of the King of Connaught.

"To wit, that the King of England grants to the aforesaid Roderic his liegeman, King of Connaught, so long as he faithfully serves him, that he shall be a king holding under him and ready to serve him as his own man, and that he is to retain possession of his present territories, as firmly and peaceably as he held them before that our lord the King of England came into Ireland, paying him tribute ; and that he is to have under his superintendence and jurisdiction the whole of the remaining part of the land and its inhabitants, so as that they shall pay their tribute in full to the King of England through his hand ; and that they shall still enjoy their own rights, and that the present holders shall continue to hold in peace, so long as they remain faithful to the King of England, and pay him faithfully and in full their tribute and other dues which they owe him through the hand of the King of Connaught, saving in all things the privilege and honour of our lord the King of England and his 'own' [*i. e.*, the rights, &c., of King Roderic]."

The tribute consisted of one hide for every tenth head of cattle killed in Ireland. The king reserved to himself Dublin and its appurtenances, all Meath and Leinster, besides Waterford and Dungarvan, which had been the territories of Dermot, King of Leinster.

Roderic was King of Ireland, and the treaty proves that Henry limited his claims to that part of the land of Ireland of which Dermot MacMorrough was prince, and even in

that portion Henry did not acquire any rights not possessed by Dermot, and the inferior estates of the chiefs and members of the clans were not disturbed by the proffered vassalage. The tribute levied on the rest of Ireland was a sort of black mail to avert injury, but the fact that Henry never visited Connaught or acquired possession of the land was pleaded in an action in Galway, in the reign of Charles I., when the jury found that Henry had not acquired these lands.

Ireland was, according to the Multifinan MSS., divided as follows for fiscal purposes :—

Munster	70 cantreds,	2,100 town lands,	16,800 carracutes.	
Leinster	31	930	7,400	„
Connaught	30	900	7,200	„
Ulster	35	1,050	8,400	„
Meath	18	540	4,320	„
Total	184	5,520	44,120	„

Each carracut was about 120 acres, and this would make the grazing land 5,254,400 acres ; the area under tillage in 1875 was 5,332,813 acres ; the number of cattle then was 1,656,000 ; in 1848 it was 1,435,291. The tribute paid by Roderic O'Connor would make the number of cattle in Connaught 270,000, in 1841 it was 298,877. One of the reasons which conduced to Henry's ready reception by the Irish princes was the hope that it would tend to secure better order and tranquillity in the realm. Radulphus de Diceto, Dean of London, who flourished under King John, A.D. 1197, says :—

“When the people of Ireland saw how wholly the mind of the King of England was set upon promoting and establishing peace, he being one that neither countenanced evil deeds by indulgent treatment, nor issued hasty sentence of death against any man summoned by his edict, they came to him suing for peace.”

Jan. 1172 Henry convened the Council of Cashel, of which Giraldus Cambrensis observes :—

“While the island was therefore thus silent in the presence of the king, enjoying a tranquil calm, the monarch, wisely influenced by a strong desire to magnify the honour of God’s church and the worship of Christ in those parts, summoned a council of the entire clergy of Ireland to meet at Cashel.”

Amongst the enactments are those for the payment of tithes, the honouring of churches with due devotion, and constant attendance at them, labouring by every means to reduce the state of the Church to the model of the Church of England. Some time after this council, King Henry sent to Rome to Pope Alexander III. a copy of the decrees passed at it and a copy of the deeds of submission to himself, as king and lord of the newly-acquired island which he had received from the archbishops and bishops, and the pontiff “by his apostolic authority confirmed to him and to his heirs the kingdom of Ireland according to the form of the deeds of the archbishops and bishops of Ireland.” Pope Alexander wrote three letters, all bearing date the 20th September, 1172, one addressed to the prelates of Ireland, another to Henry II., and another to the Irish nobles. The first is addressed to Christian, Bishop of Lismore, legate of the apostolic see, Galasius, Archbishop of Armagh, and the archbishops and bishops of Ireland. He tells them that he is thankful to God for granting to Henry such a noble victory and triumph, and urges them to be very zealous in supporting a monarch who was so “magnificent a personage and so truly devout a son of the Church,” and that they should assist him to the best of their power in retaining possession of the country, and if any of the kings, princes, or other people of the country should attempt to act in opposition to the oath of fealty they had made to King Henry, they, the bishops of the Church, were first to admonish him concerning his offence, and then, if their admonition were unheeded, to visit him with the terrors of ecclesiastical censure. “Be sure,” says he, “that you execute our commands with diligence and earnestness, that as the aforesaid king, like a good Catholic and truly Christian prince, is stated to have paid to us a pious and

benign attention in restoring you, as well the tithes as the other ecclesiastical dues, so you likewise may yourselves maintain, and as far as in you lies, procure that others shall maintain whatever privileges appertain to the king's dignity." The letter to King Henry praises him for his efforts to extend the power of the Church; he asks the king "to preserve to us in the aforesaid land the rights of St. Peter; and, even if the said Church have no such jurisdiction there, that your Highness should assign and appoint it for her." In the third letter to the Irish princes, he tells them how happy he had been to learn that they had wisely submitted to such a potent and magnificent king as their sovereign lord; a circumstance that promised their country, as he tells them, much greater peace, tranquillity, and improvement, and he exhorts them to be good subjects of King Henry, and to observe carefully the fealty and allegiance which they had promised on their oath to that prince.

In 1177 Henry II., having obtained license from Pope Alexander III., appointed his son John, King of Ireland in the presence of the bishops and peers, and in 1186 Pope Urban sent over two legates into Ireland to crown John, the king's son, there.

The relative value of Ireland and England in the reign of King John may be judged by the fact that when that miserable king by an instrument or charter granted to Innocent III. and his successors the whole kingdom of England and the whole kingdom of Ireland, and took back an estate thereof by an instrument sealed with a seal of lead, he undertook to pay 700 marks a year for England and 300 marks a year for Ireland. Ireland was then in point of inhabited houses considered to be to England in the ratio of two to seven. Ireland at the present day is to England in point of income as one to fourteen, though the population is about in the ratio of one to four. The recently published State papers, 1171 to 1251, do not contain any grant of land in Ireland during the reign of Henry II. Many were made in the reign of King John. The first, July

16, 1199, was made to the Knights Templars. It was followed by two grants to Walter Cross, one of the two islands of Asmudesty and Clere, for which the King received forty marks and the service of one and a-half knight's fee, the second gave one knight's fee at Karventhi and Kalke, two knights' fees at Kildeyn in the cantred of Huhene, and of five burgages within the walls of Limerick. Sept. 6 of same year there is a grant to Hamon de Valoignes of the two cantreds of Hochenel in the land of Limerick to hold of the King by the service of ten knights, and the same date a grant to Thomas Fitzmaurice of five knights' fees in the fee of Eleuri and cantred of Fontunel, and of five knights' fees in the fee of Huamerith in Thomond, on the river Shannon, and a burgage near the bridge on the left within the walls of Limerick. The same date there is a grant to William de Naas, of the castle of Karaketel, with five knights' fees in the fee of Syachmedth and cantred of Huhene and also of a burgage within the walls of Limerick. The same date a grant to William de Burgh of Aspatria, of the rest of the cantred of Fontunel, remaining in the king's hands, by the service of three knights' fees. The same date of a grant to Lambekin Fitzwilliam of a fee of five knights in the cantred of Hueme, and a burgage within the walls of Limerick, and the same day a grant to Robert Seignel of one knight's fee Chonchuherdechan, in the fee of Huerthern, and a further grant of four burgages within the walls of Limerick.

Sept. 12, same year, there are grants to Elyas Fitz-Norman, of the vill or adlongport, on the river Sur, to Humphrey of Tekeull of Kilduna, with three circumjacent knights' fees and a burgage in Limerick.

Sept. 12. Grant to Milo de Brit of twelve carracutes of land at Long in the fee of Othohel and cantred of Huheme. Then follow at intervals grants to Gerald Fitzmaurice, Geoffrey Fitzrobert, John de Gray, Hugh Hose, William de Burgh, the Knights Hospitallers, Meyler Fitzhenry, to the Cistercian monks, to Thomas Abbot of Glendalough, to the abbey and monks of Blessed Mary, in Mayo, to

Geoffrey de Costentus, Geoffrey de Marisco, Richard de Felder, and many others. In most cases a fine was paid to the king as well as the knights' service. Thus I find, Jan. 12, 1200, William de Breonne gives the king 5,000 marks that he may have the honour of Limerick. The king retains in his demesne the city of Limerick, the gift of all bishoprics and abbeys and all royalties, the cantred of the Ostmen and the Holy Isle, and the tenements and service of William de Burgh, three cantreds in Cork to hold by the service of ten knights. To Philip de Prendergast of forty knights' fees, of which fifteen were between Cork and Insovenoch. To William Marshall, Earl of Pembroke, of his land in Leinster, to hold by service of 100 knights. To Murad O'Brien of cantred in Thomond, and to Richard de Burgh of all the land of Connaught which William his father held of the King.

One of the early English settlers affords an instance of the way in which they were disposed to act towards the occupiers. Henry de Londres was not only Archbishop of Dublin and Papal Legate, but he was also Justiciary, an office equivalent to that of Lord Lieutenant. After his instalment as archbishop (1212) he summoned all the tenants and farmers of the see to appear before him on a day appointed, and to bring with them such evidences and writings as they enjoyed their holdings by. The tenants, at the stated time, presented themselves, and showed their evidences to their landlord, "mistrusting nothing;" but before their faces, on a sudden, he cast them all into a fire secretly prepared. This fact amazed some that they became silent, and moved others to a strong choler and furious rage that they regarded neither place nor person, but broke into irreverent speeches: "Thou an archbishop! nay, thou art a *scorch-villain*." Another drew his weapon, and said, "As good for me to kill as be killed, for when my evidences are burned and my living taken away from me I am killed." The archbishop, seeing this tumult and imminent danger, went out at a back door; his chaplains, registers, and summoners were

well beaten, and some of them left for dead. They threatened to fire the house over the bishop's head ; some means were taken to pacify their outrage, with fair promises that all hereafter should be to their own content : upon this they departed. See *Ware's "Annals of Ireland."*

King John, as well as his son, Henry III., attempted to introduce English laws into Ireland, but their policy was frustrated by the barons, who preferred leaving the native Irish to be governed by their own laws and customs, which, being framed for a peaceful, contented people, gave more power to the strangers to persecute and oppress them ; for, as the King's courts were not open to the Irish, who continued to be governed by the Brehon Code, the Normans could, if the blood of a relative was shed, plead that he was only an Irishman, and thus be secured from human vengeance. The unfortunate inhabitants, perceiving the advantage to be derived from English laws, petitioned Edward I. to admit them to the protection of British law, and offered him a purse containing 8,000 marks as an acknowledgment in return for the desired benefit. Twice they urged the appeal, and twice the king received it into favourable consideration, but evil influences prevailed, and the heartless rulers of Ireland succeeded in defeating the good intentions of the King and the just claims of an oppressed people, and in 1315 "Donald O'Neyl, King of Ulster and rightful successor to the throne of all Ireland, and the princes and nobles of the said land, as well as the Irish people," addressed Pope John XXII. They say,—

"That Pope Adrian, an Englishman, at the false suggestion of Henry II. made over to him the dominion of our realm," they say, "we were despoiled of our royal honour without any offence of ours, and handed over to be lacerated by teeth more cruel than those of any wild beasts." "For since that time when the English, upon occasion of the grant aforesaid, under the mask of a kind of outward sanctity and religion, wickedly crossed the borders of our realm, they have endeavoured with all their might, and with every act of treachery they could employ, to exterminate and completely to eradicate our people from the country, and by means of low crafty scheming they

have so far prevailed against us, that expelling us violently, without regard to the authority of any superior, from our spacious habitations and patrimonial inheritance, they have forced us to repair, in the hopes of saving our lives, to mountainous, woody, swampy, and barren spots; and exerting themselves to the utmost of their power to drive us from them, and to seize upon every part of our native soil for themselves, contrary to all right; falsely asserting, in the extreme frenzy which blinds them, that we have no right to any free dwelling-place in Ireland, but that the whole property of the said country belongs entirely of right to themselves."

The document goes on to expose the treatment which the Irish received, and begs the Pope to appoint Edward Bruce to be king over them, and prayed that, out of a regard to justice and public tranquillity, the Pope would "forbid the King of England and our adversaries to molest us for the future; or, at least, kindly vouchsafe to execute for us upon them the due requirements of justice." The Pope, on receiving this appeal, addressed a remonstrance to King Edward, in which he reminds him that God hears the groans of the oppressed, and urges the expediency and advantage which would arise to the king from his looking into the wrongs of the Irish and granting them redress, so as to cut off all occasion of just complaint.

The Irish princes and nobles also complained to Pope John XXII. of the exclusion of Irishmen from positions in the Church, and referred to the decree of the Council of Kilkenny, which totally excluded all Irishmen from ordination or admission into the religious bodies.

The inhabitants were classified by the Duke of York, in his despatches to Richard II., as follows:—

"1st. Liegemen, or good subjects. 2nd. Irish enemies who had never submitted to the government, and who were, indeed, in a state of almost constant warfare with it. 3rd. Rebels, who, from being subjects by birth and submission, had taken up arms against the State, or at least renounced English laws and institutions."

In the reign of Henry III. the rights of ladies with regard

to the succession to land became the subject of legislation, and an Act was passed (14 Henry III.) which says,—

“Henry, King of England and Lord of Ireland, &c., &c. Certain knights of Ireland have made application to the king respecting *the descent of land* to sisters in Ireland, whether the younger sisters should do homage to the elder sister or to the king. The reply was, that by the custom of England they held as co-partners, and each should do homage to the king; and it enacts that this custom shall be proclaimed throughout our dominion of Ireland, to be straitly kept.”

The sovereign tried to check the lawlessness of the English settlers and the king's officers; but as their object was to obtain the lands of the Irish people, the statutes of the sovereign became a dead letter. The 17th Ed. II., A.D. 1323, enacts,—

“1. That the king's officers shall not purchase lands in Ireland without licence; and if any do the contrary, it shall forfeit to the king and his heirs.

“2. That they shall not by colour of their offices take victuals of any person against his will.

“3. That they shall not arrest ships or other goods of strangers or our own people, but that all merchants and others may carry their corn and other victuals and merchandises forth of our realm of Ireland into our realm of England, and unto our land of Wales, under penalty of double damages, and shall also be grievously punished by us.”

Edward IV. sought to break down the existence of the clan or sept, which, as joint owner of the land of the tribe, continued to maintain its existence, and a law was passed in the fifth year of his reign, which sought to abolish the clan names. It enacted,—

“That the Irish dwelling amongst the English in the counties of Dublin, Moth (Meath), Ulul (Louth and Monaghan), and Kildare, should no longer be called by the name of their sept or nation, but each one should take upon himself a several surname, either of his trade or faculty, or of some quality of his body or mind, or of the place where he dwelt, so as every one to be distinguished from the other.”

It is not my object to write a history of Ireland, or to give any account of the unhappy incidents which arose from the weakening of the ancient system of laws and the absence of a competent jurisdiction. Sir John Davis, whose leanings were towards the English, observes,—

“Though Henry II. had the title of sovereign and lord over the Irish, yet did he not put those things in execution which are the true marks of sovereignty. For to give laws unto a people; to institute magistrates and officers over them; to punish and pardon malefactors; to have sole authority of making war and peace, and the like, are true marks of sovereignty, which King Henry II. had not in the Irish countries; but the Irish lords did still retain all these prerogatives to themselves; for they governed their people by the Brehon law; they made their own magistrates and officers, they pardoned and punished all malefactors within their several countries; they made war and peace one with another without controlment, and this they did not only during the reign of Henry II., but afterwards in all times, even until the reign of Queen Elizabeth.”

The only object of the English appears to have been to acquire territories for themselves, and few crossed to Ireland except rude and barbarous warriors. The English adventurers and colonies planted took land from the Irish, yet they, as well as the Irish, strove to be independent of the Crown, and rose frequently in rebellion. In this state of disturbance many of the Irish were anxious to obtain the protection of English laws. The Brehon Code did not impose capital punishment, and if an Englishman murdered one of the *mere Irish* he claimed to be tried by Brehon law; while, if an Irishman murdered an Englishman, it was avenged with the utmost rigour.

“As long as they (the Irish) were out of the protection of English law,” says Sir John Davis, “so as every Englishman might oppress, spoil, and kill them without controlment, how was it possible they should be other than outlaws and enemies to the crown of England? If the king would not admit them to the condition of subjects, how could they learn to acknowledge and obey him as their sovereign? When they might not converse or commerce with any civil men, no

enter into any town or city without peril of their lives, whither should they fly but into woods and mountains, and there live in a wild and barbarous manner? For, in a word, the English would neither in peace govern them by law, nor in war *root them out by the sword*; must they not needs be pricks in their eyes and thorns in their sides till the world's end?"

Where such a writer as Sir John Davis speaks of rooting out an entire people with the sword, we may easily fancy the feeling that actuated more ignorant and barbarous men. The object of the adventurers was to acquire the lands of the Irish; they were harassed and tormented. Maurice Fitzthomas, of Desmond, began that system of extorting coin and livery, called in the old statutes a *damnable custom*, the imposing and taking of which was made high treason.

"Besides," says Davis, "the English colonies being dispersed in every province of this kingdom, were enforced to keep continual guards upon the borders and marshes round about them, which guards consisting of idle soldiers were likewise imposed as a continual burthen upon the poor English freeholder and tenants, the great English lords and captains had power to impose this charge when and where they pleased; many of the poor freeholders were glad to give unto these lords a great part of their lands to hold the rest free from that extortion; and many others, not being able to endure that intolerable oppression, did utterly quit their freeholds and returned to England. By these means the English colonies grew poor and weak, though the English lords grew rich and mighty; for they placed Irish tenants upon the lands relinquished by the English, upon them they levied all Irish exactions, with them they married and fostered, and made gossips; so as within one age the English, both lords and freeholders, became degenerate and mere Irish in their language, in their apparel, in their arms and manner of fighting, and all other customs of life whatsoever."

This sad picture shows how a noble people, intelligent and highly cultivated, sunk under tyranny and oppression.

One of the Lord Deputies, in the reign of Henry VIII., gives the following picture of that portion in the possession of the English:—

"The Pale is overrun with thieves and robbers. The soldiers so beggarly that they could not live without oppressing the subjects. Leinster was harassed by the Tooles, Burns, &c., but especially the county of Kilkenny was almost desolate. Munster, by the dissensions between the Earls of Desmond and Ormond, was almost ruined. Connaught was almost wasted by the feuds between the Earl of Clanricarde and McWilliam Oughton, and Ulster was in open rebellion with Shan O'Neil."

One of the State Papers addressed to King Henry VIII. about the year 1515, thus describes the land of Ireland,—

"If the land of Ireland were put once in order, it would be none other than a very paradise, delicious, of all pleasaunce in respect and regard of any other land in this world. Inasmuch as there was never stranger or alien person, small or great, who would avoid therefrom by his will, notwithstanding the disorder, if he might have the means to dwell therein. How much more would be his desire to dwell therein if the land were once put in order."

The putting in order which appears to be contemplated was the handing over to the English settlers the land of the Irish owners. The history of land in Ireland is almost an unvarying tale of spoliation.

Absence from Ireland was sufficient to forfeit lands held in that country. The condition upon which these lands were held implied residence, for it was found necessary, in the reign of Henry VI.,* to pass an Act by which such lands would not be forfeited in cases in which the person was employed upon the king's business.

* The 25th Henry VI., cap. 2, and 25th Henry VI., cap. 9, runs thus, "Also it is ordained and agreed that if any of the King's liegemen or officers of his land of Ireland be out of said land of Ireland by the commandment of the King or his Heirs, Lieutenants, their Deputies, Justices, or the King's Council of Ireland, that their lands, Tenements, Rents, Benefices, or Offices, or other possessions whatsoever by their said absence shall not be seized or taken into the King's hands or his heirs, nor their offices void; and if so fortune that any of the said officers be taken by pirates or any other ill-doers or enemies, that they, at their return may occupy their said offices, notwithstanding any grant or gift of the said offices made to any other person in their absence, and if any service or gift be made to the contrary, the same shall be void and holden for none."

The English settlers, the descendants of the Roman barons, became less and less civilized, and they were described in the language *Hibernus ipsis Hiberniores, i. e.*, more Irish than the Irish themselves. Rapine, injustice, and spoliation were the rule of these lords; and suffering, misery, and destitution the lot of the Irish people, who were deprived of the privilege of the mild laws of the Brehon code, which were unequal to control Norman violence, and who did not receive the compensating advantage of the English common law; and the difficulties of the Irish were aggravated by an enactment which made the head of the sept answerable for every one of the sept, and bound him to produce him when charged with treason, felony, or any other heinous crime; thus the innocent were made to suffer with the guilty, and the lands of the whole sept were liable to fine for the non-jurisdiction of one of the real or supposed members of the sept. They were punished without trial, judgment preceded inquiry, and innocence and guilt were confounded in indiscriminate retribution.

Henry VIII. altered the title borne by his predecessors, and by an Act passed in the thirty-third year of his reign, that monarch took "for himself, his heirs and successors, the style and title of King of Ireland." The Act provided that "the king shall enjoy that style and title and all other royal pre-eminences, prerogatives, and dignities, as are united and annexed to the imperial crown and realm of England." Yet the Irish asserted their rights to their land, for Spencer relates:—

"That the Irish have always preserved their own law, which is the Brehon law, and that at the Parliament held by Sir Anthony St. Leger, Lord Deputy in the reign of Henry VIII., the Irish lords in acknowledging Henry for their sovereign reserved unto themselves all their former titles, tenures, privileges, and seignories invalidate, and that their ancestors had no estate in any lands, seignories, or hereditaments longer than during their own lives, for all the Irish do hold their land by tanistry, which is no more but a personal estate for his life, that is tanist, by reason that he is admitted thereunto by the election of the country."

Henry VIII. appears to have grappled very resolutely with one of the evils of English rule—the non-residence of the nobles. This, though the subject of previous legislation, was not enforced with vigour, but an Act in relation thereto was passed in the twenty-eighth of his reign, which is so quaint in its language, and so descriptive of the state of Ireland, that I quote its preamble at length. It declares,—

28th Henry VIII., c. 3.—Forasmuch as it is notorious and manifest that this the King's land of Ireland heretofore being inhabited, and in due obedience and subjection to the King's most noble progenitors, Kings of England, who in those days in right of the crown of England had great possessions, rents, and profits within the same land, hath principally grown into ruin, desolation, rebellion, and decay, by occasion that great dominions, lands, and possessions within the same land as well by the King's grants as by course of inheritance and otherwise descended to noblemen of the realm of England, and especially the lands and dominions of the earldoms in Ulster and Leinster, who having the same both they and their heirs by process of time devising within the said realm of England, and not providing for the good order and surety of the same their possessions there, in their absence and by their negligences suffered those of the wild Irishmen, being mortal and natural enemies to the Kings of England and English dominion, to enter and hold the same without resistance, the conquest and winning thereof in the beginning not only cost the king's said noble progenitors charges inestimable, but also those to whom the said lands were given, then and many years after abiding within said land nobly defended the same against all the King's said enemies, and also kept the same in such tranquillity and good order as the Kings of England had due subjection of the inhabitants there, the laws obeyed and of their revenues and regularities were duly answered, as in any other where within the realm of England, and after the gift or descent of the said lands, possessions, and dominions to the persons aforesaid, they and their heirs absented themselves out of the said land of Ireland dwelling within the realm of England, not pondering nor regarding the presentation thereof, the towns, castles, and garrisons appertaining unto them fell in ruin and decay, and the English inhabitants there, in default of defence and justice and by compulsion of those of Ireland were exiled, whereby the said king's progenitors lost as well their dominions and subjections there, as also their revenues and profits and their said enemies by re-adopting or attaining the said lands, dominions, and possessions were elevated into great dominion, power, strength, and puissance for the suppressing of the residue of the king's subjects of this land which they daily ever since have attempted, whereby they from time to time

usurped and encroached upon the king's dominions, which hath been the principal cause of the miserable estate wherein it is at the present time, and those lands and dominions by negligence and in default of the very inheritors, after this manner lost may be good example to the King's majestie now being intending the reformation of this land, to foresee and prevent that the like shall not ensue hereafter. It enacts that the lands of Thomas Harvard, Duke of Norfolk, and Lord Berkely, his co-partner in Carlow, Old Ross, and other manors ; those of George Talbot, Earl of Waterford and Salop in Wexford, and the heirs general of the Earl of Ormonde ; the Abbot of Furness ; the Abbot of St. Augustine's, Bristow ; the Prior of Chad Church, Canterbury ; the Prior of Lanthony ; the Prior of Cartmel ; the Abbot of Kentisham ; the Abbot and Prior of Oswy ; the Abbot and Prior of Bath, and the Master of St. Thomas Acres, should forfeit their lands to the king, saving the right of all such as dwell in the land except those named, and saving also the right of John Barnewall, Lord Trimleton, and Patrick Barnevale.

Mr. Smith, in his work on the Irish, alludes to the following curious circumstance. He says (p. 100),—

“In the reign of Queen Mary, when the septs of O'More and O'Connell were attainted, the septs pleaded that the chieftain could not by attainder forfeit the septs' lands, which he had never possessed. It would perhaps have been difficult at that time in the case of any of the great forfeitures to meet this plea. A feeling that the land was still theirs, and that they were unjustly kept out of their possessions, seems long to have survived these vast confiscations in the minds of the *native proprietors*.”

This shows that the system of Tanistry was continued in Ireland, and that the obligation imposed upon the sept and Crown were quite different from those which existed between liegeman and lord under the feudal system. The latter was a mutual tie of dependence and support ; while the chief of the sept was merely an elected officer, and did not possess the land of the clan.

A review of the four centuries that elapsed from the landing of the English to the accession of Queen Elizabeth leaves upon the mind the impression of evil unmitigated by a single tint of good. The landing of the English cannot be elevated into the ranks of conquest, inasmuch as it took place upon the

invitation of a wicked prince, to reinstate him in the dominions from which he had been evicted for his crimes. The English monarch accepted a subordinate position as an Irish Prince or chieftain, and despoiled his own subjects. The acquisition of part of Ireland added no lustre or strength to the English Crown ; on the contrary, like all great crimes, it brought its own punishment, and was a source of weakness. It opened a field for truculent English nobles, who, uncurbed by the sovereign, waged petty wars with the Irish for the purpose of despoiling them of their lands. The Barons became rebels. The Irish became disorganised, the clans were forced into a warlike position quite foreign to the genius of the Brehon code; in defence of their possessions, and the chiefs placed at the head of armed forces imitated the evil example of the English barons, and tried to acquire the hereditary right over the joint property of the sept.¹ Two systems of jurisprudence prevailed, yet neither had the full support of the administrative power of the Crown. The Irish were refused the advantages of education, and forbidden to minister in the Church. The object of the governors was spoliation ; the adventurers lusted for the possession of the lands of Ireland ; and as there could be neither rebellion nor forfeiture where there was neither authority nor obligation, the Norman invaders resorted to brute force; "*lawv lauder enaughter*," "the strong hand uppermost," became the motto of one of the most influential of the English families, and swayed the policy of all the others. To this was superadded the bitterness of religious strife, the aid of foreign power was evoked by the rebellious English subjects of the Queen. The Desmonds, the Geraldines, and the De Burghos rose against the Crown, and sought not only the aid of the more powerful Irish chieftains, such as the O'Neils, but also that of Spain. An army landed in the south, and it required 20,000 English troops to subdue Ireland. The Crown seized upon the lands of its own subjects, and Elizabeth rewarded Sir Walter Raleigh, Edmund Spencer, and others by the gift of forfeited lands.

But the Irish executive did not wish for order or peace, and one of Elizabeth's ministers is stated by Lascelles, in *Res gestæ Anglorum in Hibernia*, to have said,—

“Should we exert ourselves in reducing this country to English order and civility it must soon acquire power, wealth, and consequence. The inhabitants will thus be alienated from England; they will either cast themselves into the arms of some foreign power, or perhaps cast themselves into a separate and independent state. Let us rather connive at their disorders; for a weak and disordered people can never succeed in detaching themselves from the crown of England.”

True policy would have suggested a different mode of proceeding. Elizabeth's favourite scheme was that of repeopling it by an English colony; she issued letters to every county in England, encouraging younger brothers to become undertakers in a plantation of Ireland. The forfeited lands of the Desmonds were 574,628 acres, of which 244,080 were granted to the undertakers, and the remainder were restored to such of the former possessors as had been pardoned, and leases were made to the native Irish tenantry; thus those whom Elizabeth wished to settle in Ireland defeated her intention, and instead of resident proprietors they became absentee middlemen.”

Four Acts, the 11th, 13th, 27th, and 28th of Elizabeth, were passed for the purpose of confiscating the lands of the O'Neil in Ulster, those of the Knight of the Valley in Munster, of the White Knight in Munster, and of Viscount Baltinglass and the Desmonds in Leinster.

Spenser, who lived for some years in Ireland, thus speaks of the country :—

“And sure it is yet a most beautiful and sweet country as any under heaven; being stored throughout with many goodly rivers, replenished with all sort of fish most abundantly; sprinkled with many very sweet islands and goodly lakes like little inland seas, that will carry even shippes upon their waters, adorned with goodly wood, even fit for building houses and shippes, so commodiously, as that if some princes in the world had them, they would soon hope to be lords of

the sea and ere long of all the world ; also full of good ports and havens, opening upon England, as inviting us to come unto them, to see what excellent commodities that country can afford ; besides the soil itself most fertile, fit to yield all kind of fruit that shall be committed thereto, and lastly, the heavens most mild and temperate, though somewhat more moist in the parts towards the west."

Ireland was invaded by the English for the avowed purpose of improving the condition of the people of the country ; it had been held for about four hundred years, and let us ask, what was its condition ? what were the benefits it received ? The principal witness I shall produce is an Englishman, the gentle author of the "*Faerie Queene*," who by the gift of Queen Elizabeth became an Irish settler, and resided for many years upon the borders of the counties of Cork and Waterford. He says :—

"Notwithstanding that the same was a most rich and plentiful country, yet they were brought to such wretchedness as that any stony heart would rise at the same. Out of every corner of the woods and glens they came creeping forth upon their hands, for their legs would not carry them ; they looked like anatomies of death ; they spake like ghosts crying out of their graves ; they did eat the dead carrions, happy when they could find them, yea, and one another soon after, insomuch as the very carcases they spared not to scrape out of their graves ; and if they found a plot of watercresses or shamrocks, there they flocked as to a feast for a time, yet not able to continue there withal, so that in short space there was none almost left, and a most populous and plentiful country suddenly left void of man or beast."

Nothing can be more sad than this picture of the state of Ireland. The same writer in 1596 added,—

"There have been divers good plots devised and wise counsels cast already, about the reformation of that realm of Ireland. But they say it is the fatal destiny of that land, that no purposes whatsoever which are meant for good will prosper or take good effect."

Spenser thus recommends husbandry :—

“Because by husbandry, which supplieth unto us all things necessary for food, whereby we cheerfully live, therefore it is to be first provided for. The first thing, therefore, we ought to draw these new tithing men to ought to be husbandry. First, because it is the most easy to be learned, needing only the labour of the body, next, because it is most natural; and lastly, because it is the enemy to war and most hateth unquietness; as the poet saith,—

* * * “*Bella execrata colonis* ;”

for husbandry, being the nurse of thrift and the daughter of industries and labour, detesteth all that may work her scath, and destroy the travail of her hand, whose hope is all her lives, comfort unto the plough.”

As to the increase of cattle in Ireland he says,—

“I would, therefore, wish that there were some ordinance made amongst them, that whosoever keepeth twenty kine should keep a plough going, for otherwise all men would fall to pasturage and none to husbandry, which is a great cause of the dearth now in England, and a cause of the usual stealths in Ireland. For look into all countries that live in such sort by keeping of cattle, and you shall find that they are both very barbarous and uncivil, and also greatly given to war. The Tartarians, the Muscovites, the Norwegians, the Goths, the Armenians, and many others do witness the same, and therefore, since now we purpose to draw the just from desire of war and tumult, to the love of peace and civility, it is expedient to abridge their great custom of herding, and to augment their trade of tillage and husbandry.”

The State Papers describe the condition of Ireland in the following language (vol. ii., p. 14) :—

“What common folk in all the world is so poor, so feeble, so evil beseen in town and field, so bestial, so greatly oppressed and trodden under foot, fares so evil with so great misery, and with so wretched life as the common folk of Ireland? What pity is here wherewith to report! there is no tongue that can tell, no person can write. It passeth far the orators and Muses all to show the order of the nobles, and how cruel they entreat the poor common people. What danger it is to the king against God to suffer his land, whereof he

bears the charge and the cure temporal, to be in the said disorder so long without remedy ! It were more honour to surrender his claim thereto, and make no longer prosecution thereof, than to suffer his poor subjects always to be so oppressed, and all the nobles of the land to be at war within themselves, always shedding of Christian blood without remedy. The herd must account for his fold, and the king for his."

The effect of the injustice which had been perpetrated and heaped up with continuous and increasing violence upon the Irish people was most deplorable. The dissemination of their property embittered their minds, and drove them into hostility to government. The refusal to admit the Irish to holy orders deprived the Church of the power and influence which it might have used to repress injustice and to soften the lot of those who were exposed to it. The constantly recurring rebellions of the Anglo-Norman nobles, who threw off the power of the Crown and assumed the title and state of princes, the wars between the Desmonds, Geraldines, and Butlers, tended to create and aggravate the confusion. The consequence of ill treatment was the degradation of the native race, it became demoralized and degraded. I cannot do better to illustrate their position than quote the words of Edmund Burke, who wrote,—

"To render men patient under the deprivation of all the rights of human nature, everything which could give them a knowledge or feeling of those rights, was nationally forbidden. To render humanity fit to be insulted, it was fit that it should be degraded."

Elizabeth had a long and most severe struggle to establish her authority in Ireland, and at the end of a war of upwards of seven years' duration, in which as many as 20,000 English troops were engaged, a final capitulation was agreed upon, but she did not live to see it perfected ; it was signed a few days after her death. The country, worn out with this long and tedious war, was at length prostrate at the foot of the sovereign. The Plantagenets left to a new dynasty the duty

of reconstruction and restoration, and we shall see how that trust was fulfilled.

PART IV.—THE STUART OR CONFISCATION PERIOD.

AFTER the rebellion and assassination of Shane O'Neil, 1568, his estates and those of his adherents, being most of the seignories and counties of Ulster, were confiscated by the 11th Elizabeth, c. i., 1569, and vested in the Crown. The lands were given to English adventurers, but they found it impossible to hold their ground against the original inhabitants. In 1588 O'Neill, the Earl of Tyrone, and other lords of Ulster, entered into a combination to defend their lands and religion. This war lasted fifteen years, and terminated in 1603. No cruelties were spared by the Lord Deputy Mountjoy to put them down. He made incursions on all sides, spoiled the corn, burnt all the houses and villages, and the people were reduced to live like wild beasts. Ireland, which had a population of two millions, was reduced to one-half. "The multitude," says Sir John Davis, "being brayed as it were in a mortar with sword, famine, and pestilence together, submitted to the English Government." All commodities had risen in value: wheat had advanced from 36s. to 180s. per quarter; oatmeal, from 5s. to 22s. per barrel, and other things in proportion. The submission in 1603 led to the settlement of Ulster by James I.

In 1586 the large estates of the Earl of Desmond in the counties Cork, Limerick, Kerry, Waterford, Tipperary, and Dublin, comprising 524,628 acres (statute measure), were escheated, not for any overt act of treason, but on account of his quarrels with the Earl of Ormonde. These large possessions were a strong temptation to the Irish governors, but they found some difficulty in passing a bill of attainder. A claim was also set up by the Crown to the whole of Connaught and the county Clare, and an arrangement was made with the Lord Deputy, Sir John Perrott, that the lords and gentlemen of that district should surrender them to the Crown

and receive back, Royal Letters Patent. The surrenders were not enrolled, and the patents were not delivered. James I. issued a commission to receive the surrenders and re-convey the estates, by new patents, to the lords and gentry, they paying £3,000 for their enrolment in chancery. Though the money was duly paid the enrolment was not made, and the king claimed the land. The titles were pronounced defective, and the whole district was adjudged to vest in the Crown. This unfortunately resulted either from the negligence or wicked design of the officials, based, as Carte observes, "on a mere nicety of law which ought to be tenderly made use of in derogation of the faith and honour of the king's broad seal." The lords and gentry put no faith in the king's sense of equity; they appealed to his necessities, offered double their annual compositions, and to pay a fine of £10,000. The proposal was entertained, and the western scheme of plantation was suspended.

The jurors were coerced or bribed into finding for the Crown. The judges and law officers were rewarded. Sir Arthur Chichester got large possessions in Ulster, which remain in his family to the present day, his descendant, the Marquis of Donegal, having large estates in Ulster. Sir John Davis was rewarded with a grant of 4,000 acres in the same province. "No means of industry," says Leland, "or devices of craft were left untried, and there are not wanting proofs of the most iniquitous practices of hardened cruelty or vile perjury and scandalous subornation, employed to despoil the fair and unoffending proprietor of his inheritance."

"Where no grant appeared, or descent or conveyance in pursuance of it could be proved (says Carte), the land was immediately adjudged to belong to the Crown. All grants taken from the Crown since 1st Edward II. till 10th Henry VIII. had been resumed by Parliament, and the lands of all absentees, and of all that were driven out by the Irish, were, by various acts, vested again in the Crown. . . . Nor did even later grants afford full security; for if there was any former grant in being, at the time they were made, or if the

patents passed in Ireland were not exactly agreeable to the fiat, and both of these to the king's original warrant transmitted from England—in short, if there was any defect in expressing the tenure, or any mistake in point of form, there was an end of the grant and the estate under it.”

The following statutes, confiscating lands in Ireland, were passed :—

Philip and Mary, 3 and 4, cap. i., ii.	Disposing of Leix and Offaly.
„ „ cap. iii.	Divers and sundry waste grounds into shire grounds.
Elizabeth, 2, cap. vii.	Restitution of the hospital of St. John's.
„ 3, cap. iii.	Lands of Christopher Eustace.
„ 11, cap. i.	Attainder of Shane O'Neile.
„ „ cap. iii.	Thomas Knight of the Valley.
„ Sep. 4, cap. ii.	Restoring the Earl of Kildare.
„ cap. viii.	Attainder of Sir Oswalde Massingbred.
„ 12, cap. v.	Attainder of all indicted for treason, from April 1, 1569, to April 1, 1571.
„ Sep. 2, cap. v.	John Fitzgerald, the White Knight.
„ 27, cap. i.	Attainder of James Eustace.
„ 28, cap. vii.	Attainder of Earl of Desmond.
	Attainder of John Browne and others.

Mr. H. C. Hamilton, F.S.A., Assistant Keeper of the Public Records, in the introduction to the Calendar of State Papers, 1509—1573, says :—

“The power of the English in Ireland had so much decreased in Henry VII.'s time that the old Irish system of government in clans or separate small nations had revived and was in full force throughout the greater part of the land. Of this government and its workings we have the best and most ample accounts in these papers. The wars of Henry VIII., Mary, and Elizabeth, reveal the whole strength and weakness of the system, and show how the superior combination of the English, supported by continual supplies of men and money from home, prevailed over the craft and daring of the native chiefs and favourite generalissimos.”

In the arguments in the case of Tanistry, 5th James I., it was alleged "that King John only made twelve counties in Leinster and Munster, viz., Dublin, Meath, Uriel, Kildare, Catherlough, Kilkenny, Wexford, Waterford, Cork, Kerry, Limerick, and Tipperary. But the other provinces and territories of this kingdom, which are now divided into twenty-one counties at large, being then inhabited for the greater part by the mere Irish, were out of the limits of shire ground for the space of 300 years after the making of the first twelve counties, and therefore it was impossible that the common law of England could be executed in these counties and territories: for the law cannot be put in execution where the king's writs cannot run, but where there is a county and a sheriff, or other member of the law, to serve and return the king's writs."

It was further urged that if a conqueror receives any of the native inhabitants into his protection, and avoweth them for his subjects, and permitteth them to continue their possessions and remain at peace and allegiance, their heirs shall be adjudged in by good title without grant or confirmation of the conqueror. The example of the Norman conqueror and that of Wales were instanced as proving the legality of pre-existing customs and rights, and it was urged that James I., by special proclamation in the third year of his reign, declared and published that he received all the natives of Ireland into his royal protection, by which it was clearly resolved that the common law of England was thereby established universally in the kingdom of Ireland. The common law of England, however, recognises existing customs, and, should have legalized *tanistry*.

English Sovereigns and statesmen appear to have felt that the Irish chieftains who had never held their lands from the Crown, owed it no fealty. Many descendants of English settlers intermarried into Irish families, and adopted the Tanistry system. An effort to substitute holdings under the Crown for the Irish system was made by the xii. Elizabeth, cap. 5; it enables "the pretended lords, gentlemen, and freeholders of the Irishry and degenerated men of English name,

holding their land by Irish custom, to surrender their lands to the Queen, and of taking estates by letters patent, which shall be good and effectual in the law, against all persons except those who have estate, title, or right to the said lands by the due course of the common law."

In 1604 Sir Arthur Chichester was appointed deputy, and, says Lascelles,—

"A Commission of GRACE was issued under the great seal of England, empowering the chief governor to accept surrenders of those Irish lords who held of old on precarious tenure. Many embraced this opportunity of converting their tenure for life into one of fee, which should descend to their children. Others dreaded the legal consequences of their late treason, and were impatient to receive their possessions by a new investiture. So that this commission instantly produced a general surrender of lands. No chieftaincies were now granted by letters patent; no officers of justice to be stationed, or to exercise an Irish seigniorship. The lord by his new patent was to be invested only with the lands found to be in his immediate possession as a domain. His followers were to be confirmed by the king in their subordinate tenures on condition only of paying the lord the stated rent, in place of all uncertain Irish exactions. Building, planting, cultivation, and civilization were to follow in the train of these regulations. The trading towns were induced to follow the example of the lords; they surrendered their old and accepted new charters with such regulations and privileges as tended to keep them in subjection to the Crown."

"King James I.," says Plowden, pp. 100, 101, "in order more effectually to secure the full dominion both of the Irish and their property, published a proclamation, which is usually called the Commission of Grace, for securing the subjects of Ireland against all claims of the Crown. The chief governor was thereby empowered to accept the surrender of those Irish lords who still held their estates or possessions by the old tenure of *tanistry* or *gavelkind*, and to regrant them in fee simple according to the English law, thus converting the estates for life of the chieftains into estates in fee simple. For this there were two obvious reasons of State policy: the first was that in case of forfeiture the whole would become vested in the Crown by the attainder of the forfeiting person; whereas if by the old tenure of *tanistry* they remained tenants for life, the estates could only in

such cases be forfeited to the Crown for the life of the forfeiting person, and would be saved to all remainder men, which by the old Brehon tenure were in fact the whole sept. The second reason was, that by vesting the fee simple in the chief, which by the course of English law made it descendable to his eldest son or heir-at-law, it excluded the sept from the reversionary distributive rights of gavelkind upon the death of the tenant for life, and thus detached the septs from that common bond of interest and union with their chief which gave them firmness, consistency, and consequence, and necessarily threw them thus disjointed more immediately under the power of the sovereign, by leaving only one freeholder or tenant to the Crown in each sept. The new grants to the lords were limited to the lands in their actual possession, and those lands which any of his followers held on very precarious Irish tenures of the chief were confirmed to the mesne tenant, also in fee, upon paying to the lord a certain rent, equivalent to the lord's beneficial interest in the services or tenure of his tenant. Thus was the whole landed interest of Ireland new modelled, and the example of these new patentees of the Crown was followed by many trading towns and corporations throughout the kingdom: they surrendered their old and accepted new charters from the Crown."

Travelling was difficult in those days, and there was too little disposition to preserve the rights of the inferior holders or ter-tenants. The chieftain went through the ceremony of surrendering the estate of the clan or sept, yet he was only joint owner with others, and got a new title to the whole estate. He would not immediately proceed to enforce his new seigniorial rights, and the occupants, finding no change in their treatment, regarded the patent as a confirmation of their existing rights, which entitled them to the possession of the land subject to the payment of tribute. Hence arose the claim for tenant right, which is a continuing assertion of the ancient right of the occupiers. The existence of patents gave the Crown increased rights of forfeiture, and we shall presently see how they were exercised, and in the change of superiors the rights of inferiors were further disregarded, and those who were the real owners of the land were reduced to tenancy or serfdom.

Any proprietary claims by the inferior members of the sept were, however, rudely set aside, not by legislation, but by a resolution of the judges, in regard to which, Professor Sullivan, in the introduction to O'Curry's Lectures, says :—

“In Ireland all the Irish customs were set aside by a judgment given in the year 1605, which more than any other measure, not excepting the repeated confiscations, injured the country, and gave rise to most of the present evils of the Irish land system.”

These resolutions are reported by Sir John Davis, and as they are very important I give them *in extensis*; but I cannot find that the case was argued before the court, or that there was either plaintiff or defendant.

Hill, iii. Jacobi, reported by Sir John Davis,—

“*The resolution of the judges touching the Irish custom of gavelkind.*”

“First be it known that the lands possessed by the meer *Irish* within this realm were divided into several territories and countries, and the inhabitants of every Irish county were divided into several septs or lineages.

“Secondly, in every *Irish* territory there was a lord or chieftain, and a *tanist* who was his successor apparent. And of every Irish sept or lineage there was also a chief who was called a *canfinny*, or *caput cognationis*.

“Thirdly, all the possessions within these Irish territories (before the common law of England was established in this realm as it now is) ran always either in course of *tanistry* or in course of *gavelkind*. Every seignior or chiefry, with the portion of land which passed with it, went without partition to the *tanist*, who always came in by election or strong hand, and not by descent; but all the inferior tenancies were partible between males in *gavelkind*. Yet the estate which the lord had in his chiefry, or which the inferior tenants had in *gavelkind*, was not an estate of inheritance, but a temporary or transitory possession. For, as the next heir of the lord or chieftain was not to inherit the chiefry, but the oldest and worthiest of the sept (as is shown in the case of *tanistry*), who was often removed and expelled by another who was more active and strong than he, so the lands of the nature of *gavelkind* were not partible among the next heirs male

of him who died seised, but among all the males of his sept, in this manner:—The *canfinny*, or chief of a sept (who was commonly the most ancient of the sept), made all partitioners at discretion; and after the death of any tenant, who had a competent portion of land, assembled all the sept, and, having thrown all their possessions into hotchpot, made a new partition of all; in which partition he did not assign to the son of him who had died the portion which his father had, but he allotted to each of the sept, according to his seniority, the better or greater portion. These portions or purparties, being so allotted and assigned, were possessed and enjoyed accordingly, until a new partition was made, which, at the discretion or will of the *canfinny*, was to be made on the death of each inferior tenant, and so, by reason of these frequent transmissions and removals, or translations of the tenants from one portion to another, all the possessions were uncertain; and the uncertainty of the possessions was the very cause that no civil habitations were erected, no enclosure or improvement was made of the land in the Irish countries where the custom of *gavelkind* was in use, especially in Ulster, which seemed to be all one wilderness before the new plantation made by the *English* undertakers there; and this was the fruit of this *Irish gavelkind*."

"Also by this Irish custom of *gavelkind*, bastards had their portions with the legitimate, and wives were utterly excluded of dower, and daughters were not inheritable, although their father had died without issue male. So that this custom differed from the custom of *gavelkind* in Kent, in four points."

"For, 1, by the custom of Kent the land of the nature and tenure of *gavelkind* is partible among the next heirs, males only; and such co-parceners, after partition, have a certain estate of inheritance in all their portions."

"2. The bastards are not admitted to inherit equally with the legitimate sons."

"3. The wife of every tenant in *gavelkind* is endowable of a moiety."

"4. In default of males, the heirs female inherit, and therefore the custom of *gavelkind* used in Kent hath been always allowed and approved of as good and lawful custom by the law of England."

"But this Irish custom of *gavelkind* was agreeable in several of these points to the custom of *gavelkind* which was in use in North

Wales, which custom was reproved and reformed by the stat. of Rutland, made 12 Ed. I. See the stat. of 34 H. VIII., c. 28, where the custom of gavelkind in Wales is utterly abolished, and divers other usages resembling other customs of the Irish."

"For these reasons, and because all the said Irish counties and the inhabitants of them from henceforward were to be governed by the rules of the common law of England, it was resolved and declared by all the judges, that the said Irish custom of gavelkind was void in law, not only for the inconvenience and the unreasonableness of it, but because it was a mere personal custom, and could not alter the descent of inheritance."

"And therefore all the lands in these Irish counties were now adjudged *to descend according to the course of common law*, and that the wives should be endowed, and the daughters should be inheritable to these lands, notwithstanding this Irish custom or usage."

"And where the wives of Irish lords or chieftains claim to have sole property in a certain portion of goods during the coverture, with power to dispose of such goods without the assent of their husbands, it was resolved and declared by all the judges that the property of such goods should be adjudged to be in the husbands and not in the wives, as the common law is in such cases."

This resolution of the judges, by the special order of the lord deputy, was registered amongst the Acts of Council ; but then this provision was added to it, "that, if any of the meer Irish had possessed and engaged any portion of land by this custom of Irish gavelkind, before the commencement of the reign of our lord the king who now is, he should not be disturbed in his possession, but should be continued and established in it. But that after the commencement of his Majesty's reign all such lands should be adjudged to descend to him by common law, and should be adjudged from henceforward possessed and enjoyed accordingly."

This resolution or decision, fairly carried out, would have given each member of the sept the estate in fee of the land which he held at the commencement of the reign of James I., it would have remained in his family and become an estate of inheritance, thereby effecting in Ireland a change very

similar to that which took place in France, Switzerland, and Belgium, whereby the lands owned in common became possessions in severalty, and a class, most useful to the community, who are now called *peasant proprietors*, was created, but this breaking up of the lands in Ireland did not suit the designs of the English adventurers, who wished to have them in large lots, that they might be forfeited and re-granted. It is now almost impossible to trace the means by which the decision of the Irish judges was defeated, but it is apparent that it gave every one of the ter-tenants an estate in fee of the lands in his possession.

It must be borne in mind that America, Australia, and India did not then offer fields for the settlement of English adventurers, while Ireland was looked upon as the almost only place for their migration. The existence of a large number of small estates would not have suited the views of these adventurers, who desired large possessions, and found them more accessible when in few hands.

In 1604 Sir John Davis wrote to Cecil about the state of the Church, and we may judge from it of the anarchy of other holdings :—

“There are ten archbishops, and under them are, or should be, twenty bishops at least. The Churchmen for the most part throughout the kingdom are mere idols and ciphers, and such as cannot read, if they should stand in need of the benefit of their clergy; and yet most of those whereof many be serving men and some horse boys are not without two or three benefices apiece, for the Court of Faculties doth qualify all manner of persons, and dispense with all manner of non-residence and pluralities. For an example of pluralities the Archbishop of Cashel is worthy to be remembered, having now in his hands four bishoprics, Cashel, Waterford, Lismore, and Emly, and threescore and seventeen spiritual livings besides. Should corrupt his lordship too much if he should tell him how they disinherit these churches by long leases, there being no such laws here as in England to restrain them. But what is the effect of these abuses? The churches are ruined and fallen down to the ground in all parts of the kingdom.

There is no divine service, no christening of children, no receiving the sacrament, no Christian meeting or assembly ; no, not once in the year : in a word, no more demonstration of religion than amongst Tartars or cannibals."

In another letter to the same statesman he says—

"If justice be well and soundly executed here but for two or three years the kingdom will grow rich and happy, and in good faith he thinks loyal, and will no more, like the lean cow in Pharaoh's dream, devour the fat of the happy realm of England."

A case immediately affecting the question of tanistry was brought before the Court of King's Bench, in Hilary Term, in the 5th of James I. It is reported by Sir John Davis as follows :—

"In *Ejectione Firmæ*, between Murrough MacBryan, plaintiff, and Cahir O'Callaghan (ancestor of Lord Lismore), defendant, on general issue joined, the jury found a special verdict to this effect, viz., that the castle of Dromineen, where the entry and ejectment is supposed to be made, lie within a certain place or precinct of land called Publi-Callaghan, otherwise O'Callaghan's country, within the county of Cork, and time out of mind have been of the tenure and nature of *tanistry*; and that in all lands of the tenure and nature of *tanistry* within Publi-Callaghan aforesaid, such custom hath been used and approved time out of mind, viz., that when any person died seised of any castles, manors, land, or tenements of the nature and tenure aforesaid, then such castles, manors, lands, and tenements ought to descend, and have time out of mind used to descend, *seniori et dignissimo vero sanguinis et cognominis* of such person who so died seised ; and that the daughter or daughters of such person so dying seised, from time out of mind, were not inheritable of such lands or tenements or any part of them.

"The jury further find that Donough MacTeige O'Callaghan, chief of his name, was seised of the seigniorship or chieftainship of Publi-Callaghan, and of the lands aforesaid, according to the custom and course of tanistry; and being so seised had issue Conogher O'Callaghan ; Conogher had issue Teige and Eleanor ; Teige had issue Donough MacTeige the younger ; Eleanor was married to Arl O'Keeffe ; Conogher and Teige, his son, died in the life of Donough

MacTeige the elder ; afterwards the said Donough MacTeige the elder by feoffment, according to the course of common law, executes an estate to Donough MacTeige the younger, and to the heirs male of his body, remainder to the right heirs of the feoffor. Donough MacTeige the elder died, and Donough MacTeige the younger died without issue male ; after whose death another Conogher O'Callaghan, being the oldest and most worthy of the blood and surname of O'Callaghan, entered into the land whereto and claimed to hold it as lord and chieftain of Publi-Callaghan, according to the course of tanistry, and was thereof seised *proest lex postula*.

“And they further find that the said Conogher being so seised surrendered the said land and all his estate, right, title, and interest in it to Queen Elizabeth ; on which the said queen, in consideration of the said surrender, regranted the said land to the said Conogher and his heirs, who entered and enfeoffed one Fagan, who enfeoffed Bryan MacOwen, the lessor of the plaintiff.

“And they lastly find that Arl O'Keeffe and Eleanor his wife died, and after their death Manus O'Keeffe entered and enfeoffed Cahir O'Callaghan, the defendant, who entered and ejected the lessee of Bryan MacOwen, and upon all this matter the jurors pray the advice of the court, &c.

“Upon which one main question ariseth, viz., whether the title of the heir at common law, which the defendant hath, or the title of the *tanist*, which estate the lessor of the plaintiff hath, should be preferred as this case is. And in the discussion of this question three principal points were moved and argued.

“1st. Whether the said custom of tanistry was void or not in itself, or otherwise abolished by the introduction of the common law of England ?

“2nd. Admitting that it was a good custom, and not abolished by the common law, whether it be discontinued and destroyed by the feoffment, which created and limited an estate tail in the land, according to the course of the common law, so as that it shall not be reduced to the course of *tanistry*, when the estate tail is determined ?

“3rd. Whether Conogher O'Callaghan, who entered as *tanist* after the estate tail determined, gained a better estate by his surrender to Queen Elizabeth and the re-grant made to him by letters patent ?

The arguments in this case were very lengthened and

curious. It depended in the King's Bench for the space of three or four years, and was argued several times, in the course of which the Justices resolved :—

“That as Donough MacTeague held as tanist, which was not an estate in common law, the re-grant by Queen Elizabeth in consideration of the surrender of such estate was void in law, and that Queen Elizabeth shall not be said to be in actual possession of the land by reason of the first conquest, as it did not appear by some reason that the conqueror had appropriated to himself as a parcel of his proper estate, and Sir James Ley, chief justice, had laid down that if the conqueror receiveth any natives into his protection, and avoweth them to be his subjects, and permitteth them to continue their possessions and remain in his peace and allegiance, their heirs shall be adjudged in by good title without grant or confirmation by the conqueror, and shall enjoy their land according to the rules of law which the conqueror hath allowed or established : but afterwards, Sir Humphrey Winch being chief justice, the parties, with leave of the court, came to an agreement by which a reasonable division was made of this territory amongst them ; in which division the castle and land in question amongst others were allotted to Cahir O'Callaghan, the defendant ; and now, besides their mutual assurance, they have obtained several grants from the king, by virtue of a commission for strengthening defective titles.”

The main fact of interest is the finding of the jury that the custom of tanistry had existed time out of mind in this district, and that all the lands had time out of mind descended *seniori et dignissimo vero sanguinis et cognominis* of the person who had died so seised. It was, therefore, a custom at common law, and as such could only be altered or set aside by statute law.

In 1612 James I. proceeded to the settlement of the O'Neil estate in Ulster, and we have three Acts of Parliament of that year relating to the forfeiture in the north of Ireland ; but the most important incident of this reign occurred in the following year, when the flight of Tyrone, and the insurrection of Sir Cahir O'Dogherty, led to the confiscation of their land, amounting to 500,000 acres, in

Donegal, Tyrone, Derry, Fermanagh, Cavan, and Armagh, and enabled James to try his plan of a plantation. Three classes of settlers were encouraged,—undertakers, servitors, and the old inhabitants. The first class was confined solely to the British and Scotch; the second were permitted to take their tenants from Ireland or Britain, provided they were not recusant, and the third were permitted to retain their old religion, and to take the oath of supremacy. The undertakers were entrusted with the places of most strength, the servitors the stations of most danger, and the third class the open country. The properties were to consist of three classes: 1st, 2,000 acres; 2nd, 1,500 acres; and 3rd, 1,000 acres; one-half the escheated lands were to consist of the smallest class, and the other half divided between the two larger classes. Their estates were limited to them and to their heirs. The undertakers got 2,000 acres, which they held of the king *in capite*; the servitors 1,500 acres, which they held by knight's service, and the third 1,000 acres, which were held in common socage; all were to reside upon the lands and build upon them. The undertakers were to keep in their own hands a demesne of 600 acres; to have four fee farmers of 120 acres each, six leaseholders of 100 acres each, and on the rest eight families of husbandmen, artificers, and cottagers, and the others lay under like obligations proportionately. No lease was to be less than twenty-one years or three lives. In order to assist the scheme James I. created 200 baronets, who each paid a sum sufficient to maintain thirty men in Ulster for three years at 8d. per day. Such was the general scheme of this plantation. It was found difficult to obtain British tenants. Buildings were slowly erected, the lands were let to the old natives, who offered higher rents, and the conditions of residence were not complied with; and Sir John Davis, who was attorney-general in this reign, thus speaks of the English system of government:—

“ They persuaded the King of England that it was unfit to communicate the laws of England to the Irish, that it was the best policy to hold them as aliens and enemies, and to prosecute them with con-

tinual war. Hereby they obtained another royal prerogative and power, which was to make war and peace at their own pleasure, in every part of the kingdom, which gave them an absolute command over the bodies, lands, and goods of the English subjects here."

One of the objects which James I. had in view in the settlement of Ulster, *i. e.*, the formation of an independent yeomanry with perpetuity of tenure, was defeated by the conduct of the patentees, and in 1615 a commission was sent over from England to inquire to what extent the articles which prohibited the undertakers from devising any portion of their lands at will, and enjoined them to make to their tenants certain estates for life, for years, in tail, or in fee simple, at fixed rents, had been observed. Sir Nicholas Pynmer, one of the commissioners, reported that in many cases the articles had been broken and no estates granted by the undertakers. This report was shortly after followed by an information, filed in the Star Chamber A.D. 1637, against the Irish Society and some of the London companies, the result of which was a judgment of forfeiture against the companies because they had not complied with the plantation articles, but let their lands to the highest bidders, without conditions of improvement and without a fixed tenure or a certain rent. The companies, though disregarding the latter of the articles, were forced to treat their tenants according to their spirit, and it was held that, as the company could only grant an estate in perpetuity, the tenant had obtained such an estate, even though there was no deed to prove it, and hence arose the custom of "Ulster Tenant Right," which is a legitimate and legal deduction from the articles granted to the undertakers, who were properly regarded as having given their tenants that fixity of tenure which they were bound to give. Under this construction of the patents, land held without lease passed from tenant to tenant as if it were assigned by deed, and men acquired the title without lease which the original articles meant them to derive under deeds.

The success of the Ulster plantations encouraged James to attempt the same elsewhere. Sixty-six thousand acres be-

tween the rivers Arklow and the Slade, which were for ages possessed by the Irish septs, were found by inquisition to vest in the Crown ; and 385,000 acres in Leitrim, Longford, Westmeath, and King's and Queen's Counties. It was found that some parts were possessed anciently by English settlers, who, in the disorders of the kingdom, had been expelled by the natives ; other land appeared to be forfeited by rebellion, and these lands, as the lands of absentees, vested in the Crown. Old titles were invalidated : jurors that would not find for the Crown were fined and punished. If the slightest informality were found in the letters patent the lands were seised by the king, who thought thereby to increase his income. In several grants reservations of rent had been made to the Crown, which for ages were not put in force ; all such rents were now demanded, or acquittances for the same, and when they were not produced the lands were forfeited.

In order to exemplify the manner in which the property of Irish owners was dealt with in the time of James I., we make the following extract from Carte's *Life of the Duke of Ormonde*, vol. i., pp. 27, 28 :—

“ One case in truth was very extraordinary, and contains in it such a scene of iniquity and cruelty that, considered in all its circumstances, it is scarce to be paralleled in the history of any age or any country. *Pheagh MacHugh Byrne*, lord of the *Byrne* territory, now called Ranelagh, in the county Wicklow, being killed in arms towards the latter end of the reign of Queen Elizabeth, she by her letters to Loftus and Gardiner, then lords justices, directed letters patent to be made out for *Phelim MacPheagh*, his eldest son, to have to him and his heirs the county and lands of which his father *Pheagh MacHugh* died seised.

“ King James coming to the crown not long after, did in the beginning of his reign give like directions for passing the said inheritance to Phelim. This, *Sir Richard Graham*, an old officer of the army, endeavoured to obstruct, and in order thereto sent out a commission directed to *Sir William Parsons* and others to inquire into the said lands, and upon the inquisition it was found that they were the inheritance of *Pheagh MacHugh Byrne*, father to Phelim, and were

then in Phelim MacPheagh's possession. King James, therefore, by a second letter directed that Ranelagh, and all the lands whereof Phelim MacPheagh and Brian his son were then seised should be passed to them and their heirs by letters patent, in consequence whereof another office was taken, in which the lands were found as in the former. The first office was not yet filed, Sir Richard Graham having opposed it, and by his interest and the credit of a general book which he produced, got possession of part of *Phelim's* lands by virtue of a warrant from the Lord Deputy. Sir James Fitz-Piers Fitzgerald attempted likewise to get another part of them passed to him upon the like authority, but Bryan, the son in whose possession they were, complaining at the council-table, Sir James's patent was stayed."

Carte describes the subsequent proceedings, but we must condense the facts. Bryan petitioned the king against Sir Richard Graham, and the case was remitted to the Council Board which examined the matter, and Sir Richard Graham was summoned to England. A commission of four gentlemen were then appointed to examine the matter, and Graham, finding that the final determination was likely to go against him, adopted the expedient of alleging that these lands belonged to the king, and that neither Byrne nor himself had any right. James, always glad to get estates into his possession from defective titles, issued a new commission to Sir William Parsons and others to inquire into the title, Bryan's patron, the Duke of Buckingham, had just gone to Spain, and another patron, the Duke of Richmond, died suddenly, and his enemies, taking advantage of it, Sir William Parsons got the Lord Deputy's warrant to the Sheriff of Wicklow to put him out of the part Phelim enjoyed, and Sir William Parsons and Lord Esmond divided these lands between them. Bryan maintained his right to the lands, and he and his brother were arrested by the conspirators and imprisoned on 13th March, 1625, in Dublin Castle. Informations were sent to two grand juries at Carlow, who did not find the bills, and they were prosecuted in the Star Chamber and fined. The two brothers were kept close prisoners until

20th of August, when Turlogh was enlarged upon parole, and Bryan allowed the liberty of the house. He was set at liberty on Christmas Eve. As they continued their appeal for their lands, a new prosecution was set on foot, and on Nov. 2, 1627, they were sent to Dublin in irons and committed to jail, and Phelim and his five sons were sent to trial at Wicklow. Sir James Fitz-Piers Fitzgerald, an enemy of theirs, and who had part of their estates, though having no property in Wicklow, was foreman. The Lord Chief Justice, upon sight of the evidence, expressed a doubt whether the jury would credit it, upon which Sir Henry Billing pressed him to sign the bill, and said he would undertake that the jury should find it. The jury were the friends or allies of Lord Esmond, Sir William Parsons and others, who had an interest in Byrne's estate, and the grand jury found the bill. The friends of the persecuted gentlemen petitioned the king, and a commission was sent over to inquire into the affair, which consisted of the Lord Primate, the Lord Chancellor, the Archbishop of Dublin, the Lord Chief Justice, and Sir Arthur Savage. It sat in November and December, 1628. When the foul conspiracy against the Byrnes was made apparent they were restored to their liberty, though not to their estate, a considerable part having, during their imprisonment, passed to Sir William Parsons, under letters patent, dated the 4th of August, 4 Car. I.

When James ascended the throne of England, Lord Bacon addressed him in the following language:—"You have found what Ireland barbarous has proved; beware of Ireland civilized." The policy he inaugurated was adapted to retard or prevent the civilization of Ireland. His deputies and representatives, greedy for the possessions of the people, lashed them into rebellion, and then seized upon their land because they resisted. They thus became possessed of the land of the oppressed.

The example set by James and his deputy, Chichester, was followed in the reign of his unfortunate son, and by his able but unscrupulous ministers. Charles I. not having the

means of paying his troops, and being anxious to increase their number, caused them to be quartered on several counties and towns in Ireland, the inhabitants of which were expected to supply them with clothes, provisions, and other necessaries for three months at each place in turn. Lord Falkland, the deputy, recommended a cheerful submission, and promised that *graces* should be granted by his Majesty as a compensation. The principal nobility and gentry assembled, and offered a contribution of £40,000 a year for three years, on certain terms, among which the subjects were secured in the possession of their lands by a limitation of the king's title to sixty antecedent years, and a renunciation of all claims of an earlier period. The inhabitants of Connaught were admitted to secure their titles from future litigation by a new enrolment of their patents, and a parliament was to be summoned for a confirmation of their several estates to all the proprietors and their heirs.

Charles accepted the money, but he trifled with the latter condition; Lord Falkland, who made the promise, was recalled, and Wentworth was appointed. Soon after his arrival in Ireland he determined to subvert the title of every estate in Connaught, which had been principally granted by the commission of defective titles in the previous reign. He ordered inquisitions as to title to take place in each county in that province, and attended these inquisitions, accompanied by a force sufficient to overawe the jurors. Those of Roscommon and Leitrim were so much intimidated that they found for the Crown; those of Mayo and Sligo followed the example. The jurors of Galway were privately encouraged by Ulric de Burgo, Earl of Clanricarde, who was a favourite with Charles and resided at the English court, to resist the designs of the lord deputy, and at the inquisition in 1635 they found the following curious verdict:—"That the acquisition of Connaught by Henry II. was not a conquest, but a submission of the inhabitants; and that the grant of Roderic was barely a composition, whereby the king had only dominion, and not the property in the land." The lord

deputy was enraged at this decision, he fined the sheriff £1,000 for summoning such jurors, and bound them to appear to answer for their offence in the Castle Chamber, Dublin, where each of them was fined £4,000, and sentenced to imprisonment until the fine was paid. Some of them died in prison. A fresh inquisition was held, when the jurors were more submissive, and found for the Crown. Ulric de Burgo used his influence to procure the release of the obstinate jurors, and some of them were set at liberty.

The lord deputy's scheme of plantation was abandoned, and the inhabitants were confirmed in their property.

The litigation which ensued upon the schemes of Wentworth led to a remarkable trial, and subsequently to the publication of Sir Henry Spelman's treatise on feuds. The case affected the property of Lord Dillon, and in the preface to Spelman on feuds it is thus described :—

“The several manors and estates within the counties Roscommon, Sligo, Mayo, and Galway, in the kingdom of Ireland, being unsettled as to their titles, King James I., by commission dated 2nd March, in the fourth year of his reign, did authorize certain commissioners by letters patent to make grants of the said lands and manors to their respective owners, whereupon several letters patent to that effect passed under his Majesty's Great Seal by virtue of the said commission for the strengthening of titles that might otherwise seem defective. And afterwards, in the reign of King Charles I., upon an inquiry into his Majesty's title to the county of Mayo, there was an Act of State published commanding all those who held any land by letters patent from the Crown to produce them for enrolment thereof before the Lord Deputy and Council by a certain day, to the end that they might be secured in the quiet possession of their estates, in case the said letters were allowed by that board to be good and effectual in law.

“In pursuance of this order, several letters patent were produced, and particularly the Lord Viscount Dillon's, which, upon the perusal and consideration thereof by his Majesty's Council, were thought to be void in law, and therefore it was ordered by the Lord Deputy and Council that the doubt arising upon the letters patent should be drawn into a case, and that case should be openly argued in the

Council Board. The case was drawn up in these words: 'King James, by commission under the Great Seal, dated the 2nd day of March, in the fourth year of his reign, did authorize certain commissioners to grant the manor of Dale, by letters patent under the Great Seal of this kingdom, to A. and his heirs, and there is no duration given in the said commission touching the tenure to be reserved. There are letters patent by colour of the said commission passed unto A. and his heirs to hold by knight's service as of his Majesty's castle in Dublin. It was asked whether the deficiency of the tenure did so far affect the grant as wholly to destroy the letters patent, or whether the letters patent might be good as to the land, and void only as to the tenure? The question was argued several days in the year 1637, and the court had to inquire what the reservation of tenure is to the grant? whether it be a part of the grant and the *modus concessionis*, or whether it be a distinct thing and *aliud* from the grant? For,' it was said, 'if the reservation of the tenure and the grant of the land be *aliud* and aliened, two distinct things in the consideration of the whole grant made, and the authority given by the commission for the making thereof, then the patent may be void as to tenure, and yet good for the grant of the land. But if the reservation of the tenure be incident unto the authority and included within it, and the reservation of the tenure and the grant of the land make up but one entire grant, so that the one is part of the other, and the reservation of the tenure be *modus concessionis*, then the granting of the land reserving a diverse or contrary tenure to that which their (nude) authority did warrant them to reserve in doing of *idem alio modo*, and so the whole act is void.'

Those who pleaded for the validity of the letters patent as to the lands, and their being void only as to tenure, urged among other arguments that tenure *in capite* was brought into England by the Conquest, but grants were by common law, and therefore grants being more ancient than tenure, the tenure must of necessity be *aliud* from the thing granted.

This led the court to a consideration of the question as to Saxon tenures:—

"It was argued that those called *Thanis Majores* or *Thanis Regis* were the king's immediate tenants of lands which they held by

personal service, as of the king's person by grand seigniority or knight's service *in capite*. The land so held was, it was said, in those times called *Thaneland*, as land holden in locage was called *Reveland* so frequently in the Domesday Book. After the Norman conquest the title of *Thane* and *Thaneland* gave place to *Baron* and *Barony*, and the possessions of the abbots and bishops, which under the Saxons were free from all secular services, were made subject to knight's service *in capite*, but these possessions were converted into baronies, while thanelands were held by that tenure as before. The king's thane was a tenant *in capite*, and the middle thane a tenant by knight's service. It was contended also that reliefs for earls and thanes were in existence and proved by the laws of Edward the Confessor; that wardships were also in use both in England and Scotland before the Norman conquest. The judges, therefore, after full argument, held that feudal tenures existed in England before the Norman conquest."

This contradicted the assertions made by Sir Henry Spelman in his Glossary, wherein he described feuds as having come into use with the Conquest. It led him into a fuller examination of the question, and to his writing his celebrated treatise upon Feuds.

The question raised was,—

"Whether the said letters patent be void on the whole or only as to the tenure."

The case was argued on several days, first by Nicholas Plunket for Lord Dillon, and Serjeant Catlor for the king, and because it was a case of great weight and importance it was delivered unto the judges, and they were required by the Lord Deputy and Council to consider it, and to return their resolution touching it; but they not agreeing in opinion, it was thought necessary for public satisfaction that it should be argued solemnly by them all; and consequently, in Trinity Term, the case was argued before the judges, who held by a majority of *five to two*,—

"1. That the commissioners by the commission (the Commission of Grace) have a good and legal and sufficient power and authority to grant.

"2. That all letters patent made upon this commission in which they have pursued their authority are good and effectual in law where they have either reserved an express tenure by knight's service *in capite*, or no tenure, for then the law implies a tenure *in capite*.

"3. But where the commissioners reserve a mean tenure the whole patent is void."

They give seven grounds for this decision, being principally that they have exceeded their authority. For these reasons they did resolve—

"That this express reservation (knight's service) of a mean tenure tends to the destruction of the whole patent, and makes it void in law, both as to the lands and to the tenure."

The council board on the 13th July, 1637, issued a proclamation declaring the said letters patent to be wholly void in law, and disallowing all such letters patent for any lands, tenements, or hereditaments in any of the counties Roscommon, Sligo, Galway, or the county of the town of Galway.

These proceedings naturally created wide-spread disaffection. A parliament was convened in 1634, but great care was taken in the nomination of the sheriffs, and in the procuring of the return of Government candidates. Wentworth then succeeded in voting the supplies, but he prevented the passing of the *graces*, and he further succeeded in inducing them to assure the king that he was not bound, either in justice, honour, or conscience, to perform the solemn promise he had made. His theory was that the king's Irish subjects had forfeited the rights of men and citizens. An ancient State paper, which describes the heads of the causes which moved the Irish to take arms in 1641, says, "Many of the natives were expelled out of their possessions, and as many hanged by martial law without any cause and against the law of the realm, and many destroyed and made away by sinister means and practices."

The parliament from which so much was expected was

prorogued without passing the bills, and the hopes of the king's Irish subjects were extinguished. Their earnest respectful remonstrances had been continuously spurned, and they were driven to desperation. "Half the realm was found to belong to his Majesty, as his ancient demesnes and inheritance, upon old, feigned titles of 300 years past by juries against law, their evidence, and conscience, who were corrupted to find the said titles, upon promise of part of the lands so found for the king or other rewards ; or else drawn thereto by threats of the judges in the circuit, or heavy fines, mulcts, and censures of pillory, sty-marking, and other cruel and unusual punishments."

The banner of revolt was hoisted : the people of Ulster, driven from their homes to starve in woods and forests, swept like a torrent over the plains which belonged to them, and in one week O'Neil was at the head of 30,000 men. The lords and gentlemen of the Pale, who were mostly of English descent, repaired in great numbers to Dublin, and applied to the Government for arms and authority to array themselves on the side of the Crown, but their application was insultingly refused, and they were ordered by proclamation bearing date October 28, 1641, to leave Dublin within twenty-four hours. They were forced into revolt. The Lords Justices Dorlase and Parsons justified their conduct by declaring, "The more rebels, the more confiscation." Extensive forfeitures were the principal object of the chief governors and their friends. "Whatever were their professions, the only danger they really apprehended was that of a speedy suppression of the rebels." Troops arrived from England and Scotland. The English Parliament, with the reluctant consent of the king, passed an Act (the Act of Subscription of Charles I.) reserving 2,500,000 acres of arable meadow and pasture land in Ireland, out of 10,000,000 assumed to have been already forfeited by the insurgents as security for money advanced in England for the expenses of the war. The orders of the lords in council to the army were "to wound, kill, slay, and destroy all the rebels and their adherents and relievers, and burn, spoil, waste, consume, and destroy, and

demolish all places, towns, and houses where the rebels were or have been relieved or harboured, and all the corn and hay there, and to kill and destroy all the men there inhabiting able to bear arms." In the execution of these orders the Lords Justices declare that the soldiers murdered all persons promiscuously, not sparing the women, and sometimes not the children.

The downfall of Stafford led to the appointment of a committee of the Irish Lords and Commons, who demanded the *graces* as a settlement of the land question. The delay of Charles in acceding to their wishes alienated them from the monarch, and the committee entered into correspondence with the leaders of the disaffected portion of the English Parliament. The Marquis of Ormonde was appointed Lord Deputy, and became leader of the Irish royalists, who adhered to the cause of Charles with greater fidelity than could have been expected from their previous ill-treatment. Yet the mass of the Irish people who had been deprived of their possessions by the displacement of the tanistry system of landholding were disaffected to the royal cause. A large section of them, guided by the advice of the papal nuncio, refused a hearty co-operation, and this naturally embarrassed the king's forces. Ormonde held most of the fortified places in Ireland; Dublin, Derry, and Belfast were the only strongholds of the Parliament. The success of Ormonde induced the Parliament to appoint Cromwell Lord Deputy, and he was accompanied to Ireland by a considerable army. He completely broke the power of the royalists. The sack of Drogheda was a fearful exhibition of his power; he showed no mercy. Other fortresses were captured, the garrisons were put to the sword, and whole cities were left unpeopled.

Cromwell's success was followed by the expatriation of 30,000 to 40,000 able-bodied men, who might have been very troublesome had they remained at home. They entered the service of foreign states, and formed the celebrated Irish Brigade, which was recruited by a further expatriation in the reign of William III. The gallant conduct of the Irish

at the battle of Dettingen led George III. to exclaim, "Accursed be the laws which have deprived me of such subjects!" Cromwell forced the families of those who had entered foreign service on board ship, and carried them to the West Indies. The numbers are variously estimated at from 6,000 to 100,000. Four Parliamentary Commissioners were named to govern Ireland. Their courts were called "Cromwell's slaughterhouses." The cry was for blood, and they came as sheep to the slaughter. The next act was to banish all "*the Irish*" into Connaught and Clare. The object was to leave the other three provinces to English and Scotch settlers. The design being to obtain the land by the first Act of Settlement, the forfeiture of two-thirds of their estates had been pronounced against those who had borne arms against the Parliament of England or their forces, and one-third against those who had resided in Ireland any time from Oct. 1, 1649, to Nov. 1, 1650, and had not been in the actual service of Parliament, or supported its interests. By the second Act of Settlement it was provided that all persons claiming under the former qualification should get not a portion of their land, but an equal area at the west of the Shannon in Connaught or Clare.

These vast appropriations enabled that ambitious soldier to disband an army of which he was afraid; to remove from England the extreme Puritans, who might have been unruly, and to divert their attention from his policy to that of those whom they displaced. The land so seized upon provided a fund from which he was able to discharge their arrears of pay without raising taxes, which might prove obnoxious. The animosity which first showed itself against the queen of Charles I. found ample vent in Ireland against her co-religionists. Cromwell issued in 1652 debentures in the following form:—

"All lawful deductions made, there remaineth due from the Commonwealth to _____, his executors, administrators, and assigns, until the date hereof, the sum of _____, which sum is to be satisfied out of the rebels' lands, houses, tenements, and heredita-

ments in Ireland, in the disposal of the Commonwealth of England.

“Dated the day of 165—.”

These debentures bear upon their face a falsehood; the Irish were not rebels against the English Parliament. They had not forfeited their lands by rebellion, inasmuch as they owed it no allegiance. To carry out the iniquitous designs of the regicides, it was necessary that they should get rid of their own army. They lacked the means of payment, and provided it out of the lands of the Irish. Courts were established in Dublin and Athlone for the determining of claims which should be made; a limited time only was allowed. Four Commissioners of Parliament were sent over,—Edmund Ludlow, Miles Corbet, John Jones, and John Weaver. The Irish were driven across the Shannon, and confined within its limits by a chain of garrisons. The adventurers accepted as a full satisfaction the moiety of the forfeited lands in nine principal counties. A revenue was reserved for disabled soldiers, and for the widows and orphans of those who had fallen in the parliamentary service (except a part of the lands of bishops, and of deans and chapters, granted to the University of Dublin); these, with the forfeited lands in the counties of Dublin, Kildare, Carlow, and Cork, remained unappropriated, and were reserved by Parliament for future disposal. In 1653 the debentures were sold freely and openly for 4s. and 5s. per pound; and 20s. of debentures, one place with another, did purchase two acres of land, at which rate all the land of Ireland, estimated at 8,000,000 of profitable acres, might have been had for £1,000,000, which in 1641 had been worth above £8,000,000.

Dr. (afterwards Sir William) Petty arrived in Waterford in 1652 as physician to the army in Ireland. On the 11th of December, 1654, he obtained a contract from the Government for admeasuring the forfeited lands intended for Cromwell's soldiers at the rate of £7 3s. 4d. per 1,000 acres. By this contract he gained £9,000, and he afterwards got £900 more for a survey of the adventurers' lands. Through these means

and his private savings he realized about £13,000, with which sum he bought up soldiers' debentures, and acquired large portions of forfeited lands intended for them. When subsequently accused of having obtained his vast estates through undue influences, he defended himself by explaining, as he afterwards stated in his will, that he had "raised about £13,000 in ready money at a time when, without art, interest, or authority, men bought as much land for 10s. in real money as in this year, 1685, yields 10s. per annum above quit rents."

To such an extent was the removal of the people of some districts carried, that Sir William Petty states,—

"The people of Tipperary have more universally obeyed the order of transportation than other counties generally had done; that county became so uninhabited and waste that it was impossible to find means to do the work tolerably well."

An order which was made in the Privy Council during the Protectorate proves the extent of the depopulation. It runs thus :—

"Whereas Mr. Henry Pain, late one of the Commissioners of Revenue at Clonmel, hath informed us that the transplantation hath been so effectually carried on in the county of Tipperary, and especially in the barony of Eliogarty, that no inhabitant of the Irish nation that knows the country is left in the barony, which may be a great prejudice to the Commonwealth, for want of information of the bounds of the respective territories and the lands therein upon admeasurement; it is therefore ordered that it be referred to the Commissioners of Loughrea to consider if four fit and knowing persons of the Irish nation, lately removed out of the barony into Connaught, and to return them with their families to reside in or near their old habitations, for the due information of the surveyors appointed of the respective bounds of each parcel of land admeasurable, and to continue there until further order.

"Dublin, 20 December, 1654.

"THOMAS HERBERT,

"Clerk of the Council."

An almost complete transplantation of the people of Tip-

perary into Connaught took place. The new settlers were not secure as to their title, and many of them obtained forced conveyances and re-leases from the former proprietors. Clarendon, in his life, says,—

“What should they do? They could not be permitted to go out of this precinct to shift for themselves elsewhere; and without their assignment in Connaught they must starve there as many did die every day of the famine. In this deplorable condition and under this consternation they found themselves obliged to accept or submit to the hardest conditions, and so signed such conveyances and re-leases as were prepared for them.”

The war of extermination was carried to such a fearful extent that it was made lawful for any of the English settlers to kill any Irish person, man, woman, or child, that was found east of the Shannon, and the common expression of these murderers towards their victims was, “To hell or Connaught with you!” Humanity recoils and shudders at the fearful atrocities which were committed, and history has no blacker page than that which records the sufferings inflicted upon Ireland during the Protectorate.

Under these circumstances the population of Ireland very seriously diminished. Sir William Petty estimated the loss of population between 1641 and 1682 at 504,000, and Clarendon tells us,—

“That there was a large tract of land even to the half of the province of Connaught that was separated from the rest of Ireland by a long and large moor, and which by plague and many massacres remained almost desolate; into this space and circuit of land they required the Irish to retire by such a day, under the penalty of death, and all who should after that time be found in any part of the kingdom, man, woman, or child, should be killed by anybody who saw or met them.”

Sir William Petty, in 1672, estimated the population of Ireland at about a million one hundred thousand persons.

Colonel Lawrence, an eye-witness, writes:—

“About the year 1652-1653, the plague and famine had so

swept away whole countries that a man might travel twenty or thirty miles without seeing a living creature, either man, beast, or bird, they being all dead or having quitted the desolate places. Our soldiers would tell stories of where they saw a smoke by day or fire or candle by night, and when we did meet with two or three poor cabins, none but very aged men, women, and children (and those with the prophet might have complained, 'We are become as a bottle in the smoke, our skin is black as an oven because of the terrible famine') were found in them."

The restoration of Charles II. was seized upon by his supporters as the signal for resuming their estates; those who had been deprived of their lands returned and repossessed themselves of their patrimonies by force even before the king was proclaimed. This rashness was represented as a new rebellion, and the Cromwellian settlers, alarmed for their possessions, procured an Act of indemnity before the king landed, which excluded all those who thus tried to regain their lands. It was so worded as to amount to the exclusion of the whole of the Roman Catholic party. On the king's arrival in London he issued a proclamation commanding the continuance of undisturbed possession to adventurers and soldiers of all manors, houses, and lands as they then held until legally invested, or his Majesty, with the advice of Parliament, should take further measures in these affairs. At length, after much delay, on a calculation formed by the Earl of Orrery, Sir John Clotworthy, and Sir Arthur Mervyn, it was found that, besides the land possessed by the soldiers, enough remained to compensate all the innocent or meritorious Irish, and Charles published his famous declaration for the settlement of the kingdom.

By this declaration the adventurers were to be confirmed in the lands possessed by them on the 7th May, 1659, according to the Acts made in the previous reign, which they were to hold in fee and common socage, and all deficiencies were to be satisfied before May, 1660. With the exception of ecclesiastical lands and some other provisoes, the soldiers were confirmed in the lands allotted for their pay, which they were

to hold by knights' service *in capite*; officers who had served before June, 1649, were to receive 12s. 6d. in the pound by estates and other securities. Protestants, unless they had been in rebellion or had taken decrees for land in Connaught or Clare, were to be restored to their lands. Innocent Catholics were restored to their estates, and Catholics who submitted and adhered to the peace of 1648 were to be restored to their ancient properties upon the reprisal of those who held them. This declaration of settlement gave little satisfaction to any party. The Royalist officers received but little more than half their pay, and the ancient landholders, who had suffered for the royal cause and were in a state of poverty, were excluded from their estates until they could repay those who had been quartered upon them by Cromwell. The commissioners appointed to carry the declaration of settlement into effect were partial to the soldiers and adventurers, and threw much difficulty in the way of the Catholic proprietors, who tried to establish their innocence. The Parliament which was convened in 1661 to confirm the Act of Settlement was mainly elected by those in illegal possession of the estates. It tried by statute to exclude the Catholics, many of whom claimed the property from Parliament. An inquiry was instituted by the House of Lords, which revealed many malpractices by the commissioners. Widows were deprived of their jointures, orders of the king for the restitution of particular persons were eluded; the Lords resolved to address the king to revoke the illegal grants made by the commissioners, and a deputation waited on Charles in London claiming redress.

The Irish Cromwellians accepted the restoration without much difficulty, but they kept a firm grasp on their lands. After a long struggle of controversy, bribery, and intrigue on the part of the claimants, and wavering and irresolution on the part of the Government, the Puritans carried the day and kept their lands. The Acts of Settlement and explanation which closed the question of proprietorship, having been called the great charter of this party, they decided the title to the lands; yet, for many years after this time, a great part

of the land of Ireland continued to be held by forcible and disputed possession.

Petty's Political Anatomy of Ireland contains the following information relating to this period :—

Area of Ireland		10,500,000 acres.
Rivers, loughs, &c.	1,500,000	
Unprofitable land	1,500,000	
Arable and pasture	7,500,000	
		10,500,000 „
1641. Belonging to Papists and seques- tered Protestants	5,200,000	
To the Church	300,000	
Protestants planted by Elizabeth and James	2,000,000	
		7,500,000 „
Restored to twenty-six who proved of good affection	40,000	
The Duke of Ormonde	130,000	
Lord Inchiquin, Lord Roscommon, &c.	40,000	
		210,000
Innocent Papists	1,200,000	
The Church	20,000	
Duke of York	120,000	
		1,340,000
To Letterers & Innocent Irishmen	60,000	
To Papists per proviso Colkin	360,000	
		420,000
Left in the common stock	80,000	
To adventurers	390,000	
		470,000
Soldiers seized	1,440,000	
To forty-nine officers	280,000	
To Protestants per proviso	270,000	
		550,000
Upon transplantation decrees	700,000	
Restored to mortgagees	100,000	
		800,000
		5,200,000 „
Of lands seized by usurpers the Papists have recovered	2,340,000	
New Protestants and churches additional	2,400,000	
Of a more indifferent nature	460,000	
		5,200,000 „

7,500,000 acres good
 1,500,000 „ coarse

9,000,000 acres, worth	£900,000
Quit and Crown rents	£ 90,000
Tithes	162,000
Benefit of leases and tenants' improvements	216,000
Landlords	432,000
	£900,000

He divides :—

The landlords' share of this	£432,000
2,520,000 acres gained by the Rebel- lion	£144,000
Adventurers and soldiers	108,000
Soldiers alone	86,400
	£338,400

The King gained :—

Augmented the Church, the Duke of York and others .	£770,000
Paid adventurers and officers	670,000
Gained on usual revenue of above	80,000
Or at fifteen years' purchase £1,200,000 gained, the year's value, &c., worth	300,000

Freed himself of the articles with the Irish of 1648.

Population :—Papists	800,000	} 1,100,000
Non-Papists	300,000	
English	200,000	
Scots	100,000	
Irish	800,000	1,100,000
		2,200,000

Houses :—160,000 without chimneys

24,000, 1 chimney, at £5	£120,000
6,800, 2 to 3 chimneys, at £ 40	272,000
5,600, 4 „ 6 „ „	560,000
2,500, 7 „ 9 „ „	750,000
700, 10 „ 12 „ „	420,000
400, 13 „ 20 „ „	400,000
20 transcendental houses	78,000
	£2,600,000

Cattle, 6,000,000, or equivalents in horses and sheep .	3,000,000
Exports from Ireland	£500,000
Absentees' rents, &c.	£200,000
Cattle exports	140,000
The whole substance of Ireland was worth	£16,000,000
The customs revenue exceeded	£32,000

The defeat of James II. and his flight from Ireland led to a reversal of his policy, but his troops, after a gallant contest with the veterans of William III., made terms with him. The Treaty of Limerick, which should have formed the basis of future legislation, contained a provision that the Irish should enjoy the same privilege in the exercise of religion as they had done in the reign of Charles II., and that they should be reinstated in their properties, real and personal, and in all their rights, titles, and privileges, on taking the oath of allegiance to King William. The Irish Parliament of 1695 annulled the Act of James II., and confirmed and explained the Act of Settlement. Large forfeitures were made, and William, who, from the insufficiency of the parliamentary supplies, was unable to reward his dependants, adopted the Cromwellian plan, and made seventy-six grants out of the Irish forfeited estates. Eight of these grants were as follows :—

135,820	acres to Lord Woodstock (van Bentinck).
108,633	„ Earl of Albemarle (van Keppel).
95,649	„ Countess of Orkney (Miss Eliz. Villiers).
49,517	„ Lord Romney (Sidney).
39,871	„ Earl of Rochford (de Zuleistan).
36,148	„ Earl of Galway (de Ravigney).
30,512	„ Marquis de Pursai.
26,480	„ Earl of Athlone (de Ginkel).
522,630	

The Parliament were offended at this Act of Prerogative, and the English Commons charged the king with a breach of promise in not having left the forfeitures to the disposal of Parliament for the discharge of the public debts. It passed an Act for sending seven commissioners to inquire into the value of the confiscated estates, and the reason of their alienation, and upon the report of these commissioners, "The Act of Resumption" (11 & 12 Will. III., c. 2, Engl.) was passed, A.D. 1700; it avoided all royal grants of land made after the 13th February, 1788, and directed an absolute sale

of all Irish estates which had belonged to James II. or his adherents. The English Commons were so aware of the violence of their act that they voted, contrary to constitutional rights, that no petition should be recorded against it. Yet petitions were sent in large numbers, and the trustees were charged with injustice and venality. The granted lands, which were valued at £1,500,000, hardly realized one-third of that sum.

A more recent authority, who can hardly be accused of partiality to the Irish—Lord Chancellor Fitzgibbon (Earl of Clare)—in a speech made in 1799, said,—

“After the expulsion of James II. from the throne of England, the old inhabitants made a final effort for the recovery of their ancient power, in which they were once more defeated by an English army, and the slender relics of Irish possession became the subject of fresh confiscation. From the report made by the commissioners appointed by the Parliament of England in 1698, it appears that the Irish subjects outlawed for the rebellion of 1688 amounted to 3,978, and that their Irish possessions, as far as could be computed, were of the value of £210,623, comprising 1,670,792 acres. This fund was sold, under the authority of an English Act of Parliament, to defray the expenses incurred by England in reducing the rebels of 1688, and the sale introduced into Ireland a new set of adventurers. It is a very curious and important speculation to look back to the forfeitures of Ireland incurred in the last century. The superficial contents of the island are calculated at 11,042,682 acres. Let us now examine the state of the forfeitures.

In the reign of James I. the whole of the province

of Ulster was confiscated, containing	. 2,836,837 acres.
Let out by the Court of Claims at the Restoration	7,800,000 „
Forfeitures of 1688	 1,060,792 „
Total	 11,697,629 „

So that the whole of your island has been confiscated, with the exception of the estates of four or six families of English blood, some of whom had been attainted in the reign of Henry VIII., but recovered their possessions before Tyrone's rebellion, and had the good fortune to escape the pillage of the English republic inflicted

by Cromwell ; and no inconsiderable portion of the island has been confiscated twice or perhaps thrice in the course of a century. The situation, therefore, of the Irish nation at the Revolution stands unparalleled in the history of the inhabited world. If the wars of England carried on here from the reign of Elizabeth had been waged against a foreign enemy, the inhabitants would have retained their possessions under the established law of civilized nations, and their country have been annexed as a province to the British Empire."

Some of the laws affecting land were most injurious ; that, for example, which enacted that no Papist should have a horse of greater value than £5, so deteriorated the breed of horses that an enactment, 8 Anne, c. iii., s. 34, was passed as follows :—

" And whereas by the laws of this land Papists are not qualified to keep any horse, mare, or gelding of above £5 value, which has been found prejudicial so far forth as the same relates to stud mares, be it enacted that no stud mare kept for breeding only, nor stallion kept as such, and for no other use, shall be deemed or taken to be within the intention of the Act entitled, ' An Act for better securing the Government by disarming the Papists,' but that every Papist, and reputed Papist, may keep such stud mares and stallions notwithstanding the said Act, or any law to the contrary, and the breed or produce thereof under the age of five years, and not otherwise."

The law which prevented "Papists" having any greater tenure than thirty years, where the rent reserved was less than two-thirds of the value, was calculated to prevent any improvement in their condition or in the system of agriculture. This policy was the result of the abnormal relations of two classes—the plunderers and the plundered, the owner and the occupier. The former, possessed of political power and supported by the armies of England, enacted oppressive and restrictive laws ; the statute-book and the concurrent testimony of all authorities prove that it was their stern resolve that the mass of the people should be denied all interest in the lands which they cultivated, and be condemned to live on the coarsest food, and reside in habitations unfit for

human beings, while the utmost rent was wrung from them. Dean Swift, writing in 1729, says,—

“Upon determination of all leases made before the year 1690, a gentleman thinks he has but indifferently improved his estate if he has only doubled his rent roll. Leases are granted but for a small term of years, tenants are tied down to harsh conditions, and discouraged from cultivating the land they occupy to the best advantage by the certainty they have of the rent being raised on the expiration of their leases, proportionate to the improvements they shall make. Thus it is that honest industry is depressed, and the farmer is a slave to the landlord.”

The complaint made by Dean Swift is in effect that the labour or the representative of the labour of the tenant became without any compensation the property of the landlord, and that he who expended his labour and capital upon the land was compelled to pay another man for the property which he by his industry and labour had created.

I shall conclude the history of this period, and the description of the effects of these laws, with the following extract from the writings of Edmund Burke :—

“The laws,” says he, “have disabled three-fourths of the inhabitants of Ireland from acquiring any estate of inheritance for life, or for years, or any charge whatsoever on which two-thirds of the improved yearly value is not reserved for thirty years. This confinement of landed property to one set of hands, and preventing its free circulation through the community, is a most leading article of ill policy ; because it is one of the most capital discouragements to all industry which may be employed on the lasting improvement of the soil, or in any way conversant about land. A tenure of thirty years is evidently no tenure upon which to build, to plant, to raise enclosures, to change the nature of the ground, to make any new experiment which might improve agriculture, or to do anything more than what may answer the immediate and momentary calls of rent to the landlord, and leave subsistence to the tenant and his family. Confine a man to momentary possession, and you at once cut off that laudable avarice which every wise state has cherished as one of the first principles of its greatness. Allow a man but a tem-

porary possession, lay it down as a maxim that he never can have any other, and you immediately and infallibly turn him to temporary enjoyments; and these enjoyments are never the pleasures of labour and free industry, and whose quality it is to famish the present hours, and squander all upon prospect and futurity; they are, on the contrary, those of a thoughtless, loitering, and dissipated life. The people must be inevitably disposed to such pernicious habits merely from the short duration of their tenure which the law has allowed. But it is not enough that industry is checked by the confinement of its views, it is further discouraged by the limitation of its own direct object, profit. This is a regulation extremely worthy of our attention, as it is not a consequential, but a direct discouragement to amelioration, as directly as if the law had said in direct terms, 'Thou shalt not improve.' But we have an additional argument to demonstrate the ill policy of denying the occupiers of land any solid property in it. Ireland is a country wholly unplanted. The farms have neither dwelling-houses nor good offices; nor are the lands, almost anywhere, provided with fences and communications; in a word, in a very unimproved state. The landowner there never takes upon him, as is usual in this kingdom, to supply all these conveniences, and to set down his tenant in what may be called a completely furnished farm. If the tenant will not do it, it is never done. This circumstance shows how miserably and peculiarly impolitic it has been in Ireland to tie down the body of the tenantry to short and unprofitable tenures. A finished and furnished house will be taken for any tenure, however short; if the repair lies on the owner, the shorter the better. But no one will take one, not only unfurnished, but half built, but upon a term which on calculation will answer with profit all his charges. It is on this principle that the Romans established their *Emphyteosis*, or fee farm; for although they extended the ordinary term of location only to nine years, yet they encouraged a more permanent letting to farms, with the condition of improvement, as well as annual payment on the part of the tenant, where the land had been rough and neglected; and therefore invented this species of ingrafted holding in the latter times, when property came to be worse distributed by falling into a few hands."

The laws to which Mr. Burke referred in this passage were those which were enacted in the reign of the last of the Stuart monarchs. The first of this race abolished the tanistry system,

which gave each man a life interest in a certain portion of the soil, and so forfeited large districts. His successors followed in the path of spoliation ; a new class of owners came into possession, whose laws prevented the improvement of the land, and thus lessened the supply of food, and diminished the population. The tide of confiscation ebbéd and flowed during these reigns, but in so doing the native possessors were almost entirely swept away.

HISTORY OF THE COUNTY OF CILLY.

BY THE REV. A. H. WRATISLAW,
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IT is often the province of the historian to trace the progress of small states, and observe their gradual transformation into large ones. It often also devolves upon him to notice the decay of large states and their gradual reduction to insignificant principalities, if not their total annihilation. The growth of the margravate of Brandenburg into the mighty kingdom of Prussia, and finally into the great German Empire of the present day, is a remarkable instance of the former; while the dissolution of the great duchy of Burgundy and its gradual absorption is one of the latter, although some portion of it has reconstituted itself in the small but prosperous kingdom of Belgium. But what I propose to bring before the Society falls under neither of these heads, but is the brief history of a power which might have had a career like that of Brandenburg or Austria, but the course of which was simply cut short by the failure of its dynasty in the very meridian of success and prosperity.

By a charter given in the year 1362, at Brünn, in Moravia, the Emperor Charles IV., of his imperial power in the empire, and with the knowledge and consent of the Austrian princes, as especial lords in Styria and Carinthia, promoted Ulric and Hermann, barons of Sonneck, to the rank of counts of the empire, and that to the county of Cilly, in Southern Styria, in a district inhabited, not by Germans, but by Slovenians. The frontiers of this county comprehended large estates lying on both sides of the river Save, where the boundary line now runs between Styria and Carinthia, and the seat of government was in the upper and lower castles of Cilly and the town of

Cilly. On the Hungarian side the frontier ran from Rohatetz to a castle called Ostravitz, pretty nearly where the boundary line is now drawn between Carinthia and Croatia.

The Emperor Sigismund espoused Barbara, the daughter of Count Hermann, and bestowed still higher marks of favour on the Cilly family. By a charter given at Prague in 1436 he confirmed the grant made by his father, Charles IV., and also improved the position of the Counts of Cilly by promoting them to the dignity of prince-counts, and that not only with respect to the Cilly estates, but also with respect to the counties of Ortemburg and Sternberg in Carinthia, which had escheated to him. And thus he constituted them independent rulers on an equal footing with the Austrian princes, who were not even consulted on the subject. Besides this, Sigismund, as King of Hungary, granted them the county of Zagoria and the town of Chakovetz, so that they wrote themselves "By the grace of God Counts of Cilly, Ortemburg, and Zagoria (Ciliæ, Ortemburgæ, et Zagoriæ Comites)."

Count Hermann had three sons,—Frederic, Hermann, and Louis; and among his daughters was, as already mentioned, Barbara, the wife of the Emperor Sigismund. To the especial use of his eldest son, Frederic, he assigned the castles of Gurkfeld, Mayhau, and Rudolfswört, on the Carniolan, and those of Kreffen and Sannabar, and apparently that of Steinschnock, on the Croatian side of his territories. Frederic resided at the castle of Kreffen, as the chief fortress of the whole of Zagoria. His second son Hermann had a daughter Margaret, who married Count Hermann of Montfort, then possessor by mortgage of the castle of Pfannberg. The last Count of Ortemburg made the third son, Louis, his heir.

The firstborn son of Count Frederic, Ulric, a man of great prominence in the times of King Ladislaus Postumus, was appointed Viceroy of the kingdom of Bohemia in 1438 by King Albert, the Austrian prince who was elected King of Bohemia on December 27, 1437, and who died in 1439. Ulric married Catherine, daughter of George Brankovitch, Prince of Servia, thus becoming brother-in-law of Sultan

Amurath, who had another daughter of Brankovitch to wife. By Catherine, Ulric had one son and two daughters, who all died young.

The exceptional position which the Emperor Sigismund had granted the Counts of Cilly in the lands of the Austrian princes without their consent became after his death the cause of bitter quarrels, nay, even of open war between Count Frederic of Cilly and Frederic IV. of Austria. Old Count Hermann, Frederic's father and Ulric's grandfather, had indeed surrendered to the Austrian princes, without recompence, four castles which he held either in his own right or by right of mortgage; but that was not sufficient to extinguish the grudge excited by the elevation of the house of Cilly. Neither was Frederic IV. a man to put up tamely with this elevation, although King Albert himself had raised no objection against it, requiring as he did the services of young Ulric in Bohemia.

As early as the year 1439, and probably in the autumn, this grudge passed into open war, the result of which was greatly affected by the general selected by Frederic of Cilly to lead his army. A poor Bohemian squire, named John Vitovetz, presented himself some time in that year at the court of Frederic of Cilly, with three servants on horseback, desiring to take service with him, engaged as he then was in war with Frederic of Austria. His talents were quickly recognised, and his services made use of in responsible positions. The first castle taken by the aid of Vitovetz was that of Burg, not quite five English miles from the town of Cilly; this was razed to its foundations. The second was Blankenstein, the third Erkerstein, and the fourth Pöltschach; and lastly, two towers, one near Neuenburg, and the other near Mühlstätten.

In the autumn Count Frederic sent Vitovetz from the castle of Kreffen to the town of Nassenfuss, then occupied by the Bishop of Gurk, a favourite of Frederic of Austria, who had just been elected King of the Romans. On the march Vitovetz ascertained that his adversaries were posted by a fish-pond below Steydeck, and were engaged in what we

should call dragging it. He surprised them thus engaged, routed them, and took their commander, Dirnbacher, prisoner, who, with others, was kept imprisoned in a tower at Kreffen for fully three years.

After the death of Albert, King of Bohemia and Hungary, in 1439, Hungary was divided into two factions,—one the Austrian party, holding with Ladislaus Postumus, the posthumous son of King Albert, the other the Polish party, which supported the pretensions of Wladislaw of Poland. The Counts of Cilly took the side of their relative, Ladislaus Postumus, the grandson of Barbara of Cilly and the Emperor Sigismund. War between the parties was unavoidable, and lasted the whole of the year 1440, into the year 1441. Ulric, Count of Cilly, was young Ladislaus Postumus's representative and commander at Raab in Hungary, and as he was on his way to the widowed Queen Elizabeth at Presburg, he was attacked by the men of Wladislaw of Poland, taken prisoner, and conveyed to Buda, but released on parole.

Meanwhile the Hungarian leader, Banfy, had penetrated as far as Sannabar, and encamped near this castle, which belonged to the Counts of Cilly. Vitovetz found him with a waggon fortress in the neighbourhood of an extensive morass. He attacked the Hungarians with such vigour that they beat a hasty retreat into their fortress; but Vitovetz forced his way in along with them, and gained a complete victory in the midst of the waggons. Many of the Hungarians galloped on horseback in flight into the morass, and there perished miserably. Others were taken prisoners, as well as tents, artillery, waggons, gold and silver plate, money, and many other things. Five hundred well-equipped horses fell to the lot of the victorious general. Among the prisoners was Paul, Duke of Lindau, who afterwards became King Ladislaus Postumus's High Steward. This battle took place on March 1, 1441.

Vitovetz marched on with the army of Cilly in the direction of Raab, and met King Wladislaw of Poland in the plains near Sabaria; but, instead of a battle, a compromise was negotiated by the two Counts of Cilly. It was agreed that Count Ulric

should be released from his parole, and that the prisoners taken in the war, on both sides, should be set at liberty.

Wladislaw of Poland perished in 1444, in the battle of Varna against the Turks, and his faction in Hungary was compelled to accept Ladislaus Postumus, or, as the Cilly Chronicle calls him, "Lasslawn," for king. He was under the guardianship of Frederic of Austria, King of the Romans, to whom the Hungarians, in September, 1444, sent a formal embassy, desiring that he might be delivered up to them. Count Ulric of Cilly, who was much thought of by the king, exerted himself to the utmost in favour of the boy's being sent to Hungary; but the whole negotiation was shipwrecked on certain preliminary conditions demanded by Frederic. The Count of Cilly, dreaming of the dignity of regent, which he expected to hold during the minority of Ladislaus in Hungary, and seeing the success of his exertions in council, determined to compel the Hungarians to accept him as king by force.

The time was favourable for such a course. John Hunyadi, so celebrated for his victories over the Turks, was just then on his march against Drakul, the ruler of Wallachia. Ulric therefore ordered his general, Vitovetz, to invade Croatia and attack Matka-ban, who held the bishopric of Agram, the priory of Vran, and the Castle of St. George, besides other lands and fortresses in Croatia. The fortune of war was favourable to Vitovetz. By the end of the year 1445 he had taken the Castle of St. George, and not less than six others, besides getting possession of everything belonging to the bishopric and the priory. At the taking of the Castle of Peckern, Janus-ban, Matka-ban's brother, was killed by an arrow; at Chrastovetz two knights, high in the Hungarian army, were killed together by a single cannon shot. But Vitovetz—like Ziska, at the Castle of Rabi—lost an eye before Chrastovetz, by a shot from a hand-gun. As the Counts of Cilly had previously obtained the great Castle of Medved-grad (Bear Castle), by exchange for Seyllenburg, they now became complete masters of the district of Agram, so

that Count Ulric appointed a priest named Benedict, Bishop of Agram, and after him another, Dr. Balthazar, who maintained himself there until the death of Ulric.

Intelligence of these events reached John Hunyadi while still on Wallachian ground. But, however desirous he might have been of taking vengeance on the Count of Cilly, he was obliged to defer his intentions to another time, his army, on account of the approach of winter, disbanding itself after the Wallachian campaign, and the men returning to their homes. But before he obtained the position of Regent of Hungary in the name and stead of King Ladislaus Postumus (to which he was elected in May, 1446), he made a destructive inroad into the county of Cilly, in order to avenge himself upon the count. But here, too, Vitovetz, with his trusty soldiers, resisted him successfully, so far as his inferior forces allowed, exhibiting therein no small sagacity and military skill. The army that Hunyadi had assembled numbered 15,000 men, Hungarians and Wallachians. This large force marched over the Drave into Croatia with the intention of recovering the castles which the Count of Cilly had taken and garrisoned in the preceding year. The Castle of St. George was first taken, after which Hunyadi led his army before Varazdin, which was then unfortified, except by a single tower, built by Ulric at one corner. Unable to take the tower, and not desiring the delay of a regular siege, the Hungarians set the town on fire and hastened into the county of Cilly, where they sat down before the town of Wendish Feistritz. Vitovetz's tactics were to provide all strong places with garrisons, while he himself, with a small body of from sixty to eighty horsemen, kept on the rear of Hunyadi's troops in the open field, in order to ascertain their plans. As soon as he found their aim to be Feistritz he outstripped them, and arrived in the town before they arrived before it. The first assault of the Hungarians, which they made on the town the week after Palm Sunday, was repulsed on all four sides. A fire broke out in the town, said to have been kindled by a soldier, who was a born Hungarian. The Hungarians imagined that Vitovetz wanted to

escape from the town under cover of the conflagration, and surrounded it on all sides. Finding that nobody attempted to quit the town, they delivered a second assault. The defenders, having burning houses in their rear and the enemy in front, were only able to post themselves between a palisade and the wall with which the town was surrounded, and there await the enemy. The Hungarians succeeded in forcing their way as far as the moat, but after a sharp struggle were compelled to retreat a second time. Hunyadi, seeing that he could not take the town by a *coup de main*, sent his nephew, Szekelyi, with about 1,000 men, to the town of Cilly, but he was able to effect but little, and returned to Feistritz after burning a few houses and farm buildings in the suburbs.

It would seem that the spring floods running from the mountains into the Drave compelled Hunyadi to leave Feistritz and hasten to the opposite bank of the river. He made an armistice for a few days with Vitovetz and hurried over the river, but lost a good many men and horses in the passage, and others were intercepted before they were able to cross. Vitovetz himself, observing that Hunyadi was anxious to get to the town of Ptuj, anticipated him there also, and prevented his entrance. The Hungarians proceeded onwards between the Drave and Muhr, ravaging the Cilly estates, until after a slight skirmish near Chakovetz they recrossed the Drave and reached the village of Koprivnitz, whence they made forays and did all the harm they could to Ulric's property. Nor was it till Vitovetz followed them thither himself, posted himself with his army near the tower of Rasinje, about five English miles from Koprivnitz, and made ready for a pitched battle with them, that they withdrew thence and returned to Hungary, whence they had come. On this campaign Hunyadi did not fail to inform the count that he, the count, was the guilty cause of all this mischief, in that, when he invaded Hungary the preceding year, he had done it without a defiance and without notice,—conduct which the Hungarians had not expected from him, as it was the proper thing to issue a

defiance * before war. It is gratifying to find that a reconciliation took place between Count Cilly and Hunyadi, dated March 21, 1456, not long before the great Hungarian hero's death, which took place suddenly of the plague at Belgrade on August 11th of the same year.

In the year 1454, on the eve of St. Margaret, died old Count Frederic, Ulric's father, and on the selfsame day Ulric's army suffered a defeat from Toman, Count of Croatia, who had made himself master of several castles belonging to the Cilly family in the valley of the river Kerka, and in particular of that of Osterwitz. Count Ulric without delay sent John Vitovetz, who had not been with the defeated army,† to humble Toman. Toman soon surrendered both Osterwitz and another unnamed castle, both belonging to the Croato-Dalmatian Banat.

Two years afterwards (November 9, 1456) Count Ulric, who succeeded the great Hunyadi as King Ladislaus Postumus's captain-general in Hungary, was assassinated by his rival, young Ladislaw Hunyadi, eldest son of the hero, at Belgrade in Servia.

This event took place on the following wise. After the death of the great Hunyadi, King Ladislaus Postumus was compelled by both military and political reasons to hasten from Vienna into Hungary with all possible speed. A diet was summoned at Futak, which was but sparsely attended by the Hungarian nobles, and at which Ladislaw Hunyadi refused to present himself, unless he were assured by a document under the royal sign-manual that the account due from his deceased father would not be demanded from him. At length he appeared, and was received with every mark of honour and friendship. He promised within a given time to surrender into the king's hands not only Belgrade, but all his castles, and requested to be again accepted as a son by Count Cilly

* What the Germans call a "Fehdebrief."

† It is plain from the whole tenor of the narrative in the *Cilly Chronicle* that the wording ought to run—"Und bey der ersten Reiss da das Volk wardt niedergelegt, ist J. Wittobetz *nit* (not *mit*) beygewesen."

according to the terms of the deed of reconciliation with his deceased father. This engagement was renewed at the solicitation of the king, and confirmed not only by an oath, but by the solemn reception of the eucharist by both parties. The reconciliation appeared so complete, and confidence so entire, that the king and Count Cilly determined to proceed to Belgrade, although it was still in the power of the Hunyadis; it being said that the garrison of the fortress was as devoted to the king as its lords themselves.

The king landed at Belgrade with his army and the Crusaders, making up altogether 44,000 men in 103 ships, on the evening of November 10, and was welcomed on the bank of the river with the highest honours. At his side were Count Cilly, Duke Otto of Bavaria, the Bohemian Lords of Rosenberg and Sternberg, the young Count of Görz, Count Frangipan, and many other nobles. As soon as he had ridden into the fort with his suite, the gate was hastily closed behind him, and entrance denied to all Germans and Bohemians who refused to lay aside their weapons. Endeavours were made to calm the terrified king by assuring him that an ancient law forbade armed men, not belonging to the garrison, to be allowed to enter a border fortress. But Count Cilly's foreboding of evil was soon fulfilled. He attended mass on the following morning, and was several times summoned during the service to a consultation which was to be held in Count Ladislaw's room. At length he appeared unarmed, but with his corselet under his clothes. Behind him came Count Gregory Frangipan, and Kaplir of Sniewitz, a noble Bohemian youth, sixteen years old. Being received by young Hunyadi with a kind of reproof, and perceiving the danger threatening him in the whole bearing of the friends of the latter, he drew Frangipan's sword, and boldly commenced the struggle. He wounded Hunyadi and three Hungarian lords, but was then struck down and slain, and his head cut off after his death by Szilagyí. Frangipan and Kaplir, who endeavoured to protect him, were both wounded. During the tumult and outcry that arose the garrison disarmed and robbed all the

German and Bohemian lords and nobles that had entered the fortress with the king, nor did they spare Duke Otto himself. The king was kept under ward in a room apart, and told that Cilly had begun the fray, and paid for his wickedness as he deserved: the king himself had nothing to fear, but would now rule freely, liberated from his traitorous guide, and all the Hungarians would obey his commands. The army was disbanded, and the king was kept a fortnight in a kind of respectful custody by Ladislaw Hunyadi, after which he was released, declared himself of age at Ofen, and took the opportunity of a tournament to arrest, condemn, and behead Ladislaw Hunyadi (March 15 and 16, 1457), and also eventually carried off Mathias Hunyadi, afterwards the celebrated King of Hungary, Mathias Corvinus, a captive to Vienna.

With Ulric the family of the Counts of Cilly died out, and no other member of it remained but his widow Catherine. Five banners waved over the bier of this powerful man when his remains were brought for burial in the monastery at Cilly,—the banners of Cilly, Ortemburg, Sonneck, and Zagoria, and a black mourning banner. And there was great weeping and wailing when it was cried over the grave, “Cilly! and Cilly never more!” (“Cilli! und nimmermeyr Cilli!”).

Scarcely was the count laid in his grave, when numerous claimants appeared with stronger or weaker pretensions to what he left behind him. First was the Emperor Frederic, who claimed all the lordships and castles in Styria, Carinthia, and Carniola; second, King Ladislaus Postumus of Hungary, to whom the deceased count had intended to bequeath his estates; third, Prince Sigismund of Austria, who claimed the county of Ortemburg; and fourth, Count John of Görz, who produced ancient reciprocal agreements respecting inheritance with the Cilly family. Others also claimed portions of the Cilly property, but none of the claimants paid the slightest regard to the widow. She, however, and the “councillors, burgraves, and servants” of her late husband, formed a league for defence, at the head of which was Vitovetz, to whom Count Ulric had given the Castle of Greben in inherit-

ance, and that of Sternberg in Carinthia for life. He had also made him his "viceban" in the "Wendish" * territories.

After the death of Ulric, King Ladislaus appointed Vitovetz Ulric's successor in the Slavonian Banat, as appears from a document dated March 24, 1457, in which Vitovetz engaged to enter into the service of the Emperor Frederic, provided he was released from his duties by King Ladislaus, "whose ban he was in the Wendish lands." So far, however, was Ladislaus from giving him the required release, that he ordered him to commence hostilities against the Emperor at once, which he did with such effect, that on April 29th, 1457, he captured the Emperor's whole suite in the town of Cilly. But on November 23rd, 1457, King Ladislaus died, and nothing remained for the widowed countess but to make the best agreement she could with the Emperor Frederic, with whom she came to terms on December 15th, 1457, the Emperor obtaining all the Cilly castles in Carniola, Styria, and Carinthia, while she was left unmolested in possession of those in Hungary and Croatia.

The Emperor also came to terms with Vitovetz soon after the election of Mathias Hunyadi, surnamed Corvinus, to the Hungarian throne, and it is supposed that it was greatly due to the aid of Vitovetz that he defeated Mathias and his adherents in the battle of Kőrmend, on April 7th, 1459.

In December, 1459, Count John of Görz declared war against the Emperor on account of his claims to portions of the Cilly estates, and took the town of Drauburg, in Carinthia, and two castles in its neighbourhood, as well as Goldenstein and Ruffenstein, finally sitting down before Ortemburg. The Emperor spared neither pains nor money to engage Vitovetz in his service, and that able commander soon reduced the Count of Görz to terms, taking from him all his late acquisitions and also his previous rightful possessions in Carinthia. In recompence Vitovetz was made Count of Zagoria by letters patent, dated March 22nd, 1460. Vitovetz also

* "Wendish" signifies much the same as Slavonic.

obtained all but one of the castles previously held by the widowed countess, making her compensation in money, and she settled with her property in the city of Ragusa, receiving also an annual income from her sole remaining castle.

Vitovetz thus became under the Emperor possessor of a great portion of the domains of the Counts of Cilly, along with the arms of Sternberg and Cilly. As the Cilly Chronicler says, "John Wittebetz thereafter became powerful, and wrote himself Joan, Count in Zagoria, and Ban in the Wendish lands." After the year 1463 nothing further is heard of him, although in 1477 his widow is known to have been in possession of all his estates.

Such is a brief account of the rise and disappearance of the county of Cilly, which for a time was certainly one of the most powerful and prosperous of the smaller states in Europe, and which, had not its line died out, might have had a very conspicuous future before it.*

* The writer acknowledges his special obligations to an article in the *Czasopis of the Bohemian Museum* by Herm. Jireczek, intituled "Jan Vitorec, válečník český."

ON THE PHENOMENA OF HISTORICAL REPE- TITION: A STUDY OF THE RELATION OF HISTORICAL TO SCIENTIFIC RESEARCH.

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DIONYSIUS of Halicarnassus tells us that History is "Philosophy teaching by examples." Of all the definitions of history, this, one of the oldest, is probably one of the best. It is assuredly the best in a scientific point of view, since it places history in the true light of a natural science. It is as though it said history is the record of phenomena which occur and which recur, so that an example is set which may be accepted and remembered as something that will be seen again and recognised again like other and more obviously mechanical examples of natural processes.

Lord Bacon conveys in other words the same thought when he says "history treads the earth performing the office of a guide rather than of a light." He means, I take it, to tell us in this definition that history is a series of examples or signs by which we are led on in natural course to know what are the whole phenomena of the living moving force or light that produces the phenomena. Frederic Schlegel expresses the same thought, yet once more in different terms, when he says "the historian is a prophet with his head turned backwards:" by which he suggests that the man who has read history thoroughly has seen the phenomena recorded in history so frequently, he is able to foresee the recurrence of the phenomena or the circumstances under which they will recur.

More forcibly still the same view is maintained, but probably not originated even by him, in the words of the writer

of that most wonderful of all wonderful essays, the Book of Ecclesiastes ; a book which, to my mind, is the unsurpassed of all that is in literature : a book of science of the most lucid character ; a book of metaphysics of the most subtle discrimination ; a book of philosophy taught by examples of the profoundest wisdom. And thus its writer speaks :—"The thing that hath been, it is that which shall be ; and that which is done is that which shall be done : and there is no new thing under the sun."

The selfsame thought is conveyed in the common saying,—
"History repeats itself."

I have quoted the statements of those who rank highest of the highest in authority ; but it is also open for me to make reference to yet another authority, which, though in detail lower, is, in combination, the source of the very authorities classed as the highest. I refer to what we may call the experience of intellectual mankind. Whatever may be the secret origin of the experience, it is certain that in proportion as the animal man surpasses the lower animal, and rises, by intellectual superiority, into the light of knowledge, and into that application of knowledge which we call wisdom, he becomes more conscious without any professed special historical learning,—I mean historical learning according to the common acceptance of the term,—he becomes more conscious of the impression that, whatever new thing is brought forth, it is in some sense according to the order of nature. A something which he is prepared for if not familiarized with. A something that he accepts as if it were old, or as if it had been done before or had been thought of before. To him it is no surprise. The ignorant only are subject to wonder. There exists, in fact, amongst the intellectual a mental preparation for accepting what is called the repetition of history.

Before we can discuss the phenomenon of repetition it is necessary to see clearly what are the elements of history. In our day we have come too exclusively to confine the word history to what is technically called civil history, that form which Bacon defines as the "works and acts of men ;" while natural

history, which the same author defines as "the natural records, the works and acts of nature," is put aside as if the adjective rather than the noun expressed what ought to be understood. This is a mistake of the first order. The two histories are one and inseparable, and their combination under one professorship, as in the chair of civil and natural history in the University of St. Andrews, for example, though it be an imperfect mode of expressing the unity, is an improvement on the system of division and distinction which now passes current.

On the supposition that civil and natural history are one, the term historical repetition is at once admissible and understandable, because no one disputes that the phenomena of natural history, of night and day, of storm and calm, of seasons, of birth and death, and such like, are repeating histories. These phenomena a man can contemplate and calculate apart from the phenomena he himself produces. The great question is, are the works and acts of men of the same order? Is the course of a family or race as definite as that of a planet? Are human affairs conducted in a manner that subjects them to recurrence independently of the man? Is the will of man, seemingly so independent, no more than a will within a will? Is it directed from without? Is it as definitely under natural law and ordinance as those movements which are so obviously under external governance? In a word, are the works and acts which make the civil history of the world under fixed law as recurring phenomena? Is it the fact that "the thing which hath been is that which shall be; and that which is done is that which shall be done"?

From my own observations I gather that there are three schools of thought on these questions. There is a school, and this includes probably the greater part of those who are called pure historians, which studies the civil history, the works and acts of man, apart altogether from natural history. To this school man stands forth as an independency, an instrument of self-government, an instrument of self-improvement in the fullest degree. Man is set free from Nature; he is

above Nature. He may control her, defy her. The supreme will which ordained the material universe, and which also ordained man, established in its divine wisdom two orders of power. The one the motion of inanimated matter, mighty and persistent, governed by laws out of the hand of man. The other the motion of animated matter, of matter endowed with self-action, responsible to itself ; standing apart from inanimated moving matter, and seeing it move, yet declaring it dead ; studying the movements of such dead matter, and formulating them in pages of science, yet feeling itself distinct and super-endowed ; reading a history of the movements of the unanimated matter, and calling the record natural history ; reading a history of the movements of animated matter, and calling that civil history ; speaking of the unanimated distinctly as nature, of the animated distinctly as man.

To this school of thought the idea of historical repetition is, of a necessity, a chimera. Why should history repeat itself ? Man increases, and as he increases progresses. Man is free to improve in the future, why should he fall back on the past ? If it be that some facts suggest repetition, the facts are due to the circumstance that the man has continued too long inactive in that particular matter of improvement. He repeats when and where he might improve, or he continues a practice or an act because it pleases him to do so ; because, in fact, he likes to continue it. This school of thought is strong in its beliefs ; and civil history, as a special branch of learning, is founded upon it. It is strong because it is satisfactory to the pride of man. It adds to him a principle, a spirit beyond that which belongs to the inanimate matter he sees in motion around him. He is no mere cloud to be wafted by the four winds, to be driven into fantastic form, to be dissolved in tears of rain, or to be riven as by passion of lightning or clash of thunder into nothingness. No ! These phenomena pass away and repeat themselves. He exists ! He can govern even that angry cloud, and make its passionate fire obey his behests.

There is another school, to which the majority of educated mankind belongs, which, on the whole, is content to accept

the teaching of the civil historian as above stated, but which accepts the teaching with a qualification. It sees so many instances of strange repetitions of work and act in the history of man, it is fain to believe in some stranger and more singular power, by which, independently of the human will, some works and acts are repeated. For much that man does he is master of the doing ; but not for all. He is sometimes impelled to repeat what has been done. There is a law of coincidences, say the followers of this school, which they believe, but do not attempt to explain ; some midway connection between the repetitions of nature and the free-will of man.

There is a third school, including mostly students of natural history ; a very ancient and at all times, so far, a very small and select school, which thinks it can trace everything back to natural law. This school holds that men are deceived when they consider their works and acts are supernatural, or out of the range of ordinary natural governance. It says that a superior intelligence surveying all human work would detect that such work, like that of external nature, is after a fixed rule with periods of recurrence.

These historians see in civil as in natural history nothing but repetition. To them history, universal and concrete, is ever repeating itself. Foremost of the school was he who wrote, "The thing that hath been, it is that which shall be ; and that which is done, it is that which shall be done : and there is no new thing under the sun."

Between the first and the last of these schools of thought the world of intelligence has been divided from the first periods of enlightenment. The contending views colour every act, every science, every social phase, every religion. The æsthetic joy of the ancient Greek, the melancholic determination of the Jew, are representative extremes of these schools. The religious ardour which, upholding good works, places salvation in the power of the unsaved ; and the equally religious fervour which, prohibiting boasting, makes salvation an act of grace and places the act amongst the events that

are predestined and out of the reach of the will of the recipient, are the representative extremes of these two schools of thought.

On the whole, the contentions of argument on these debatable subjects have been carried out by the advocates of the first and third of the schools of thought, both of which, in a numerical sense, have ever been a minor part of mankind. The masses have belonged to those who, caring less for logical precision than for peace of mind and influence, have adopted something from each of the extreme schools, and stood between them. The history of the Church of Rome is a signal illustration of this position. Extolling the doctrine of good works to the actual canonization of man, and making it dogmatically clear that human advancement to perfection is progressive and dependent on individual perfection wrought out by the human will, this church declares, at the same time, at every possible opportunity, the changelessness of history, and that "as it was in the beginning, is now, and ever shall be, world without end." The grand division of the Church by which it was once broken occurred at this weak point in its doctrine, and would occur again if the added dogma that the Church is an instrument guided from without by definite rules and by virtue of a power it cannot control, but which always guides it in the right, were not applied as a philosophical support. A support borrowed from that school of natural historians which sees all men as instruments working out blindly to themselves the fixed and predestined order of nature.

In its scientific aspect the truth of the theory of historical repetition as a necessary occurrence, and as a definite occurrence, turns altogether on the questions whether natural and civil history, *i.e.*, the acts and works of nature and the acts and works of man, are or are not the same. If they be the same, then every repetition of history is a part of a design or system which, being fixed, may be discovered so that the future history of man may be foretold in a way as wonderful yet not more wonderful than the foretelling of eclipses to a world innocent

of mathematical calculation. If they be not the same, then the most striking repetitions of history are due either to accidents, or to the resolutions of men that they shall be repetitions ; as when on the stage we present to an audience a moving and living picture of something that once has been, and that now, for the moment, by the order of the human will, is presented again.

We might cast the theory of historical repetition to the winds, in its relation to civil history, if the event of it merely rested on accident, or on the resolution of man that it should be. Is there historical repetition as a part of a natural system, in the working of which we are the instruments, and over which we have no actual control ? Is it true that "the thing which hath been, it is that which shall be ; and that which is done is that which shall be done" ?

I propose to devote a few moments to look at the assumed affirmatives of this argument.

In the history of man, when he is considered as part of the universe, when in himself the natural and civil life are so combined that they become inseparable, the phenomenon of repetition is simple enough and certain enough. The birth of man, his appearance on the planet as a distinct existence, is a sufficient illustration of the phenomenon. Equally distinct and repeatedly distinct is the death of the man. The death may seem to be varied in detail of mode and form, but it is essentially one phenomenon, occurring always, as we discover when it is traced carefully to its intimate nature, from the same order of act and process. Again in the most refined construction of the man history is repeated. His qualities of mind, his muscular movement, his colour, his physique, are repetitions sometimes so close that the least observant are obliged to read them, and are never so absent but that the observant are able to read them.

In this repetition of historical fact we touch at once the so-called civil history of the world, that history which is demonstrated by man in his acts and his works. If he be, as he certainly is, influenced by agencies which were in action and

in work before he was born, and which are inevitably repeated through time, it is hard to deny that in civil as in natural affairs history repeats itself. That "the thing that hath been is that which shall be; and that which is done is that which shall be done."

When from these repeated qualities we come to the man himself, we see the repetition in those of his acts which make his history, and by multiplication of himself into the world, all history. The phenomena of sleeping and waking, on which his whole existence, as an active agency, depends, is a repetition as steady as almost any of the repeated phenomena of the movements of what is accepted as unanimated matter. A view has recently been enunciated that in respect to sleeping and waking, there are two definite periods in the twenty-four hours in which sleep and wakefulness naturally fall; a period extending from eight in the evening to four in the morning for sleep; and a period extending from four in the morning until eight in the evening for wakefulness; and that these changes in the times named are like the ebb and flow of a tide in their regularity and order. To my sense as a physician this theory is in accord with all I have observed. But whether it be strictly correct or not it nearly defines the limits of two processes which are to all intents repetitions of the history of man; processes which are so connected with his acts and works, they may be considered the bases of his civil historical life; processes that are so connected with his civil historical life, that changed in the same man, the character of his career would also be changed, so as to represent the condition under which it was developed and carried out.

The history of man is rigorously repeated in those acts and works which depend on the possession of special organic parts or structures. Here the refinement of the repetition is such that nothing short of constant familiarity with it could fail to make it the most striking of demonstrations. Take for a single and sufficient example the repeated phenomena of particular singing voices, the soprano, the mezzo-soprano, the contralto, the tenor, the baritone, the bass. In studying these voices, so

definitely arranged by historical repetition of a natural kind, the skilful musician constructs the whole of that part of civil human history that is written in song. He could not, indeed, write out of this rule of repetition, tried he ever so earnestly.

It may with great fairness be said that in these illustrations we are dealing after all with the accredited phenomena of natural history, the repetition of which no one denies, and the effects of which, in an indirect manner, on civil history no one wishes to deny. I feel we may go a step further than this outpost. To my mind we may take also fairly into our argument the genius out of which all civil history in its practical declarations is prepared. The distinguishing peculiarity of genius is that it is impelled to its action in the person through whom it is developed. I cannot doubt there have been some men of genius so strongly impelled as to be themselves aware of the impulse; themselves conscious that, in the supreme order and design of nature, they were instruments for unfolding the design; that they lived not for themselves, but for other and irresistible intents. In saying this I do not mean to imply that such persons were specially picked out at a special time by some interfering superior governing hand for a special purpose or necessity, but that they came in natural undisturbed order of coming, in due time and probably in revolution of fixed duration, *i. e.*, in a psychical circle of time. In other words, they were repetitions of the same qualities of men, and were repeated because they came into the time and order of repetition.

Again, it is difficult not to believe that universal genius by particular methods is repeated in particular epochs,—now by genius for abstract research, anon for applied research; mechanics; now for poetry, anon for art. At the present moment we are passing through a phase of applied research, derived from the last marvellous century, and are repeating what has been the mind of preceding similar psychical periods. Sometimes we repeat in actual detail, innocent in the act of what has been done. Sometimes we repeat in detail not what has perhaps precisely been done, but what has been conceived and,

owing to the briefness of the period of applied research, left undone.

History is a perfect mine of wealth of these facts when the mode of looking for them is once explained. Let me give an illustration of a rather striking character bearing upon one of the most startling of mechanical researches of this mechanical time.

A modern genius told us not long ago a fact at which the masses wondered. Into an empty sphere of glass Mr. Crookes inserted light discs of matter, and by bringing the sunbeam to bear on these lightly suspended masses, in direct or indirect form, he made those discs revolve. This is not the place to enter into the cause of such developed motion. Suffice it for me to say that the observation, on Mr. Crookes' part perfectly original, is one that through the future must always excite an interest of the first order. If it be lost it will revive again. So much for this invention as an independent modern example of human skill. What to us is of special interest at the present moment, is the fact that this invention has been lost, and is now found again. "The thing which hath been, it is that which shall be ; and that which is done is that which shall be done." In this invention we see called up again the crystal sphere of Archimedes ; the sphere and cylinder, the figure of which Cicero, when Quæstor of Syracuse, many years after the death of Archimedes, discovered depicted on the tomb of the immortal mechanician : a tomb then so forgotten that men with scythes must needs clear the way that the anti-quarian Quæstor might approach the shrine.

The spherical cylinder of Archimedes stands side by side with that of Crookes. Within it both scientists placed small bodies that by some wonderful extraneous power revolved ; and so revolved that men of old and of our time might say,—whether rightly or wrongly I do not declare,—that they see in the little sphere the model of the great, of the earth and the sister planets moving round the central sun.

"*In sphaeram Archimedis*" affords a veritable text on which the poet Claudian, penning the subjoined poem, makes Jove

himself look down with admiration to behold the mortals copying his plans and casting the designs of the gods into mortal mould.

IN SPHÆRAM ARCHIMEDIS.

Jupiter in parvo cum cerneret æthera vitro,
 Risit, et ad Superos talia dicta dedit :
 Huccine mortalis progressa potentia curæ ?
 Jam meus in fragili luditur orbe labor.
 Jura poli, rerumque fidem, legesque Deorum,
 Ecce Syracosius transtulit arte senex.
 Inclusus variis famulatur spiritus astris,
 Et vivum certis motibus urget opus.
 Percurrit proprium mentitus Signifer annum,
 Et simulata novo Cynthia mense redit.
 Jamque suum volvens audax industria mundum
 Gaudet, et humana sidera mente regit.
 Quid falso insontem tonitru Salmonca miror ?
 Aemula naturæ parva reperta manus.

A poem which I venture to translate as follows :—

When Jupiter beheld the ethereal air
 Enclosed within a little glass, he laughed,
 And to the gods, in such like words, exclaimed.
 “What ! has it come that mortals by their skill
 Have so progressed that in their fragile world^b
 My labour is a passing sport for them ?
 See you that Syracusian—an old man,
 Claiming on earth the very rights of heaven,
 Laws of the gods, and principles of things !
 The spirit he infuses in his sphere
 Waits on his various stars, and gives to them
 A living motion, fixed by certain time.
 The counterfeited zodiac runs on
 In proper yearly course : and Cynthia,
 In a new month, with mocking step, returns.
 And now the audacious industry, entranced
 With its revolving worlds, must rule the stars,
 A human mind govern celestial fires.

Why do I wonder at Salmoneus
 And his false thunder? He is innocent!
 When a small hand dares to proclaim itself
 The rival hand of nature!

In other works, or if not in actual works, in words of genius, the story of historical repetition is equally told. Homer dismisses his loving hero, telling his wife the self-same philosophy as we have described to-night. The term of all the race on earth is fixed, nothing, not even life, is antedated, though an enemy be at the door. Virgil depicts the pendant earth in space,—“*Aspici convexo nutantem pondere mundum*,”—as clearly as ever astronomer royal drew it on his chart. Isaiah tells of the period when the infant shall not die from neglect, but when every man shall fulfil his allotted period on earth, like a modern sanitary scholar. Epicurus discusses the theory of atoms, and denying to the atom the soul or spirit which others had ascribed to it, proclaims the materialistic school which is at this very hour struggling, so hopelessly, to raise its head.

Shakespeare knows, not less clearly than Newton, that the centre of attraction—

“Is as the very centre of the earth,
 Drawing all things to it.”

Milton, in the battles of the angels, invents engines of war which an Armstrong may reduce to matter, but cannot excel in conception of power.

I need pursue this illustration no further. You who know biographical history so well will find in your memories a book of such remembrances. It will proclaim to you on every page as you read it that the soul of genius lives, in its repeated appearances, as itself and as nothing else; as a light passing through the mental firmament: as a comet passing through the terrestrial sphere.

We touch the most refined part of our study when we deal with the phenomena of historical repetition through the exalted shadow of genius. We touch the grosser, and therefore the more obvious part, when we descend to those lower

phases of human history, which are demonstrated in the instincts and passions. Through these repetition is ever being manifested. In the lower animals the repetition is so steady that their works and acts left uncontrolled may be practically measured as pure problems of calculable natural history. In men of lowest animal construction the repetition through the passions is as perfectly obvious. And all the phenomena of passion,—of love, of hate, of greed, of fear, of lust, of pride, of rage,—are presented with a regularity which makes the grand result of them in their worst phase, the crime that results from them, a measurable quantity from year to year and age to age. So great crimes, great massacres, great murders, great thefts, repeat themselves, as great virtues repeat themselves, and as great revivals do, in science, art, learning, and religion.

From its application to the acts and works of man the law of historical repetition extends to the accidents in which he is involved, but in the production of which he plays no voluntary part. To that condition of mental aberration to which we give the general name of insanity the rule applies with full force. Each form of this disease is an historical repetition. The same rule is in force in respect to common diseases. I can find no such thing as a new disease. I can find no evidence that any one disease has been uprooted. Long intervals of time elapse sometimes between the occurrences of a particular disease, but the recurrences are only a matter of time, and are governed, as it would seem, by some unknown but definite law. The periodicity of disease, indeed, is one of the strongest of evidences of the rule of historical repetition.

If, then, all the mere natural acts of life are historical repetitions; if the vital organic acts are the same; if the acts which distinguish men in their artistic lives are the same; if genius be a repetition; if the products of the passions be a series of repeated acts; if the accidents by which we are affected, and the morbid not less than the healthy states of the body come in periodically recurring order:—Then the fact

that history repeats itself stands forth as an ultimate fact that must be accepted, though it may be beyond solution.

The mind of man has not rested at the discovery of the phenomenon. It has endeavoured to solve it. It has been argued that all history is developed, according to physical conditions, and that each age, each race, each family, is moulded into its state and historical character by the nature of the forces and materials through which it is moved and served. I believe it to be true that much of the history of a people is dependent on the character of the natural foundation on which the people has been constructed and on which it survives. But this theory does not explain the recurrence of those manifestations of repetition which stand quite apart from corresponding conditions, and which unite men who are separated by ages of time, by differences of language, by every possible variety of social condition.

The simpler view seems to me to be that a certain number of elementary types of men exist,—moulds of men if I may so say,—and that these types, so long as they remain permanent on the earth, reappear in regular order of time. Practically, the same men live again, and think the same again, and do the same again.

This hypothesis explains the facts, but of itself it is not a sufficient explanation. To carry it to its end it is necessary to conceive another mode of connection between man and the force we call *will*, than has yet found common acceptance. If *will* be an educt proceeding from the organization of the man, then the theory is untenable, the whole theory of historical repetition is a fable, and the pure materialistic reasoners have their way untrammelled by arguments of science. But suppose that the force which we call *will* is not produced by us. Suppose that it exists as light and other heavenly forces do outside ourselves, and acts through us according to our animal cast and condition, then the theory of types explains all the phenomena. Then we are moved to action by a power that is indeed higher than ourselves: then the mere organized part of ourselves, the instrument, the

body, a compound instrument of many parts, is after all the mere instrument, beautiful but destructible, renewable but mortal.

This theory has one more advantage above all others important. It links universality of law, even in history, with human progress. It assails none of the most cherished beliefs of a principle connected with animal life, yet acting as a distinctive spirit through men. Lastly, it explains the differences between men of different constructions, between man and animals of lower types, and between the lower animals themselves.

I am not so vain as to falsify my argument by putting forward the hypotheses I have advanced, as new. In argument, as in fact, "there is nothing new under the sun." I have no doubt the same hypotheses have been adduced many times and again ; and, if they have not been adduced, I am sure they have been conceived. It has occurred to me simply, that by bringing them forward on the occasion of the opening of a new session of the Royal Historical Society, I might revive a note that, at all events, has long time past been silent, and thereby elicit from you a deeper and more certain sound.

REHEARSAL OF EVENTS WHICH OCCURRED IN
THE NORTH OF SCOTLAND FROM 1635 TO 1645,
IN RELATION TO THE NATIONAL COVENANT.

EDITED FROM A CONTEMPORARY MS.

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A BELIEF in his divine right, with the acceptance of Archbishop Laud's doctrine that the concomitant of religious unity was uniformity in worship, led Charles I. to provoke those hostilities which brought him to the scaffold. At the Reformation the Scottish Church adopted the Genevan system of government, which dispensed with bishops and a liturgy. Upon it James VI. ingrafted a modified episcopacy, and Charles determined to complete its uniformity with the Anglican establishment by forcing on it canons and a liturgy.

According to royal order, a service-book, prepared by Laud and others, was, as a commencement, used in St. Giles' Church, Edinburgh, on the morning of Sunday, the 23rd July, 1637. Archbishop Spotswood, Chancellor of the kingdom, occupied the throne; the Bishop of Edinburgh, David Lindsay, sat in the pulpit; and Dr. James Hannay, Dean of Edinburgh, presided at the reading desk. As the last commenced to read from the service-book, murmurs of disapprobation became audible. A female who sat near the communion table rose from her stool, which she threw violently against the pulpit. General confusion ensued, and the bishops, unable to restore order, left the church. The country was aroused, and petitions against the service-book were forwarded to the king from every town and hamlet. Then followed the Tables, or Committees, which met at Edinburgh. Under the direction of these bodies was prepared and issued a public

declaration or bond, known as the *National Covenant*. In this instrument the subscribers bound themselves "to adhere unto and defend the true religion, forbearing the practice of all novations already introduced in the matters of the worship of God, or approbation of the corruptions of the public government of the Church, or civil places, or power of churchmen, till they be tried and allowed in free assemblies and in parliament." They further declared as follows: "We have no intention or desire to attempt anything that may turn to the dishonour of God, or to the diminution of the king's greatness or authority, but, on the contrary, we promise and swear that we shall, to the uttermost of our power, with our means and lives, stand to the defence of our dread Sovereign, his person and authority, in the defence and preservation of the aforesaid true religion, liberties, and laws of the kingdom."

The National Covenant was on the 28th February, 1638, publicly subscribed in the Greyfriars Church, Edinburgh. In that city about sixty thousand persons from different districts of the country had congregated, and the enthusiasm was enormous. As the king had ceased to summon Parliaments, and had prohibited the Church from meeting in general assembly, a combination in defence of liberty, religious and civil, had become a national necessity. This combination was secured by means of the Covenant, and its general acceptance at once paralyzed the monarch in his attempt to govern Scotland arbitrarily.

In certain districts, especially in the north, the Covenanters were less popular than the king. At Aberdeen the deputies who brought thither the Covenant were vigorously resisted. Of the proceedings attending the occasion, and of events arising therefrom, circumstantial relations have been preserved in two well-known contemporary narratives, Spalding's "Memorable Transactions," and Mr. James Gordon's "Scots Affairs." To these is added the present "Rehearsal," which, though not unknown to modern writers, is now for the first time printed. The "Rehearsal" forms part of the MSS. of Robert Mylne,

preserved in the Advocates Library. The folio volume, which contains it, is on the title-page thus inscribed, "Sir Ludovick Steuart, of Kirkhill, Advocat, his collectiones. He was great-grandfather to Lady Margaret Cuninghame, Countess of Lauderdale. With several valuable additiones of Bulls, Charters, etc., efter page 351 : all preceding that page being Sir Lewis' collectiones, and the rest out of the valuable collectiones of Mr. Richard Hay, channon regular of the Abbey of St. Geneve in Paris, France, and pryor of St. Peirmont—a most worthie gentleman of Scots extraction—well known by his admirable collectiones. Ex manuscriptis Roberti Mylne, Scribæ."

As the "Rehearsal" commences at page 420 of the MS. folio, it must have been transcribed from the collections of Canon Hay, which follow page 351. The writer is described "as a friend of Dr. Alexander's at Aberdeen." In 1645 there were resident at Aberdeen three persons of some prominence, John, Richard, and Alexander Alexander. Along with the magistrates and others, these persons met at Aberdeen on the 7th March, 1645, to concert measures whereby the Marquis of Montrose might be induced not to bring into the place his army, which was then encamped in the vicinity. Four commissioners were appointed to wait upon the Marquis, one of whom was "Mr. John Alexander."* This gentleman is, in the Burgh Records, described as "advocate in Edinburgh," and is represented as petitioning the Town Council to grant him a portion of ground, which George Jamesone, his father-in-law, had held in life rent.† He was one of the three husbands of Mary, daughter and heiress of George Jamesone, the eminent painter. His son, Cosmo Alexander, attained eminence as an engraver; and his grandson, John Alexander, was the celebrated painter.

Mr. John Alexander was probably that "Doctor Alexander" whose "friend" is said to have composed the "Rehearsal." The designation of "Doctor" may have been

* Records of Burgh of Aberdeen, p. 43.

† *Ibid*, p. 40

granted him by one of the colleges at Aberdeen in tribute to his professional learning. Along with others of the name at Aberdeen, he was related to the family of Alexander of Menstry which produced the celebrated poet and statesman, Sir William Alexander, Earl of Stirling. On the 8th August, 1672, Alexander Alexander, bailie in Aberdeen, was admitted an honorary burgess of Stirling;* of that town, the Earl of Stirling, and his sons,† were honorary burgesses, while several members of his family traded in the place. To the connexion subsisting between the author of the "Rehearsal" and "Doctor Alexander," we doubtless owe the information, supplied by our chronicler, and which is not to be found elsewhere, that two sons of the Earl of Stirling accompanied John Gordon, Lord Aboyne, when in 1639 he sailed into the roads at Aberdeen with three ships of war to resist the upholders of the Covenant. Though the Earl of Stirling was much attached to the king, and had secretly aided the introduction of episcopacy in the Scottish Church, he was undesirous of openly breaking with the Presbyterians, and hence was careful to conceal that his sons were actually in arms for their discomfiture.

As the author of the "Rehearsal" conceals his name, and is known only as "a friend of Doctor Alexander's," it would seem that, like the Earl of Stirling, he had avoided giving offence to either of the ecclesiastical parties. Like the Earl, too, he was a keen partisan of royalty, and a secret upholder of prelatic worship. Not improbably Doctor Alexander was himself the chronicler.

By Canon Hay, or a former transcriber of the MS., the writer is described as having "collected" his facts, but the chronicler himself intimates, with reference to certain occurrences in the year 1638, that he was "both an eye and ear

* Burgh Records of Stirling.

† Henry and John, the third and fourth sons of Lord Stirling. His two elder sons, William Lord Alexander and Sir Antony Alexander, died prior to Lord Aboyne's cruise; the latter on the 17th September, 1637, and the former on the 18th May, 1638.

witnes to them." This declaration should, we think, extend to all the events set forth as occurring at Aberdeen from 1638 to 1640.

In estimating the narrative historically, it must be borne in mind that the chronicler is an acknowledged partisan—one who entertained a strong hostility towards those whose doings he is at pains to record. Of the chroniclers of the period, the majority espouse the opposite side, and it is well that both parties should be heard. The utterances of bigotry help in determining the spirit and character of an age. During the sixteenth century Scottish ecclesiastics and others inveighed fiercely at each other.

Though concealing his identity, the author of the "Rehearsal" had evidently intended a publication, for he addresses himself to "the reader." But he did not intend to mislead by any affected neutrality. Referring to two eclipses of the sun and two of the moon which took place in 1639, he adds, "The fifth eclipse was that of the glory and liberty of Scotland by the overflowing flood of the Covenant." He affirms that the Parliament of 1639 decreed that its military leader, Major-General Monro, should plant the Covenant with an army composed of "adulterers, drunkards, and thieves," to be nominated by the parochial clergy, and that the General Assembly of the same year resolved to imprison the persons and wreck the houses of all bishops who did not conform. Notwithstanding these and other extravagances, the "Rehearsal" forms a record not without considerable value to the annalist and the historian.

A LITTLE YET TRUE REHEARSALL OF SEVERALL PASSAGES
OF AFFAIRS, COLLECTED BY A FRIEND OF DOCTOR
ALEXANDER'S, AT ABERDEEN.

In the year of God 1635 there was no matter of great importance that did fall out except the death of Patrick Forbes, Bishop of Aberdeen, the 28th March, who had a great buriall. In his tyme printing first begane in Aberdein, the bridges of

Dee and Don were repaired, the two colledges were amplified, the bullwork fortified, all the streets calsie'd, the Tolbooth steiple built, the back house built, the great bell refounded, twelve cannons brought home to the castell hill, the great calsie mouth taken up and calsie'd new, the Trinitie Hospitall builded be the crafts and their patron, Mr. William Guild—Sir Paule Meinzie being provost at this tyme. In this year, about the beginning of January, ther came on ane great storme of snowe, and did continue till the midst of Lentron,* for vpon the seavinth day of March people wes crosseing the river of Dee upon the ice. This winter the most pairt of the sheep of Scotland died by reason of the great storme of snow.

In the year 1636 many things did fall out. But y^t year y^r were seaven ships and barks caried out of the harbour to the sea, and all were lost, amongst whom y^r was a ship full of souldiers. This fell out at the tyme of Cowan fair in October. The Puritanes this year, who afterward wes called Covenanters, had some quiet meittings.

In the year 1637 there is not any thing remarkable worthy of the speaking except those Puritanes who were sitting in some quiet places at their meitting about the matter of the Covenant [which] in tyme and place shall be set down. In the year 1638 ther is much to be wrytten and farr more spoken, for this year the Covenant was subscryved at Edin^r, to the great mischeife of all Scotland, England, and also Ireland. The ringleaders were the Earle of Argyle, the Earle of Rothes, the Earle of Montrose, the Lord Loudon, the Earl of Louthian, Sir George Stirling of Keir, Sir W^m. Douglas of Cavers, Sir Henry Wood of Bonnytoun, John Smith, the Provost of Edin^r, Mr. Robert Barcklay, Provost of Irvine; Mr. Alex^r. Henderson, Mr. David Dickson, Mr. Andrew Cant, Mr. Robert Douglas, Mr. Andrew Ramsay, Mr. Rollock, with many more of the nobilitie, barrons and ministers and burgers of evry citie. These men forsaid and many more having subscryved the said Covenant, they broke up the meitting, and every ane of them went to his own home

* Spring : the time of Lent.

to sie how many he could deceave with it,—for they rode and ran throughout Scotland in such ane intyceing way that the lyke wes never read of. For that year there came of that Covenant, factiones to Aberdein, the Earle of Montrose (who afterwards repented all that work), the Lord Arbuthnot, the Laird of Morphie, the Laird of Dune,* with the Laird of Leyes,† and many other barrons and gentlemen, with Mr. Andrew Cant, Mr. David Dickson, Master Alex^r Henderson, ministers. These men, because they could not get entress to our church to preach, they went to the Earle of Marshall,‡ his close on the castle gait, and preached three sermons upon Sunday (about the end of July), where they had such intyceing sermons for the common people that after ages will not beleive it. I was both ane eye and ear witnes to them, for at that tyme they were so cryed up and dotted on that the laird of Leyes (vtherwayes ane wyse man) did cary Mr. Andrew Cant his books; yet at that time there wes but very few that subscryved—but only fourtein men. Their names are Provost Lesley, ane ring leader, but afterwards he did repent it, as shall be declared in tyme and place; Alexander Jaffray, Alexander Burnet, Andrew Burnet, elder, with some others, but not of great qualitie, for at this time, good reader, thou shalt understand that there were worthy preachers in Aberdein as Brittain could afford. Ther names were Mr. Robert Barron,§ Mr. James Sibbald,|| Mr. Alex^r Ross.¶ Mr. Wm. Guild** was lyke the

* John Erskine of Dun. † Sir Thomas Burnet of Leys, Baronet.

‡ William, seventh Earl Marischal.

§ Mr. Robert Barron, Professor of Divinity in Marischal College, Aberdeen, and subsequently bishop-elect of Orkney.

|| Mr. James Sibbald, one of the ministers of Aberdeen, was deposed by the General Assembly, for preaching Arminianism and refusing to subscribe the Covenant.

¶ Mr. Alexander Ross was minister of the third charge of Aberdeen; he eagerly opposed subscription to the Covenant, and corresponded on the subject with Archbishop Laud.

** Mr. William Guild, minister of the second charge, Aberdeen, subscribed the Covenant with limitations. He became Principal of King's College, Aberdeen, in 1640.

weather cock. He did returne at the first sermon that ever he heard of the Covenant. Lykewyse in Old Aberdein ther wes Mr. John Forbes,* laird of Corse, a man of singular good life, and Mr. Alex^r Scroggie.† Thir men forsaide had many disputs with the Covenanters, for they wrote amongst others, to witt, thes plyes, replyes, duplyes, triplyes, and quadruplyes.‡ But in all thes disputs the Covenanters came so short to the ministers of Aberdein, as ane gramariar§ to a divyne. After this they went through all the north with thir barrons afoirsaid, and many more that joyned with them, through Murray, Ross, Sutherland, and Caithnes, making the people beleive that the king was to bring in poperie and the mass, and that the king wes to take the kirklands or abbacie|| land from them that had them in heretage, quhillk were all manifest lyes.—This year these new Covenanters did nothing but persuade the people to subscrivye that Covenant. About the end of August the king sent the Covenant that wes sub-scryved, in his father King James' tyme, in the year 1580, 1581, to the Marquis of Huntly, when he came to Aberdein, and caused it to be read publictlye at the cross, and many noblemen and barrons and people of all ranks subscrivied it. Ther came at that tyme the Lord Frazer, the Lord Forbes, the Lord Crichton, with ane number of barrons of the Covenant syde, and took protestation against the king's

* John Forbes, D.D., was some time Professor of Divinity in King's College; he was afterwards minister of Greyfriars Church, Aberdeen.

† Mr. Alexander Scroggie, minister of Old Machar, vigorously opposed the Covenant, and on this account was deposed by the General Assembly in 1640. He afterwards offered to subscribe it.

‡ To the "Replys and Duplies," against the Covenant, Mr. James Sibbald, of Aberdein, was a prominent contributor.

§ A teacher of grammar or schoolmaster.

|| By the counsel of Sir John Scott, director of the chancery, Charles I. contemplated, early in his reign, to assume possession of the church lands in Scotland, in virtue of his prerogative. The proposal producing much discontent, was departed from; but the holders of church lands ceased to entertain any confidence in the throne, a circumstance which naturally tended to the general acceptance of the Covenant and the downfall of the monarch.

covenant, for after this matters did ly very calme till the nixt year, except their plotting against the king and his pairtie. This year wes ane very dry year, for about the end of August all the cornes in Scotland were within the yeards.

In the year 1639 thes Covenanters forsaid in the beginning of the year, finding that the conspiracie was drawn up (I should have said drawn out), begane to hold their meittings, which at that time were called Comitties, did raise horsemen and footmen throughout all the north, south, and west countries, for at this tyme there wes ane called Generall Lesley, of obscure birth ane bastard,* being brought up in the King of Sweden's armie in Germany; ane other called David Lesly, son to the Lord Lindores. Thir men being for the Covenant, took the guiding of the army that wes raised in Scotland, and led their army through all Scotland, forcing men to subscribe, so at length they came to Aberdein accompanied with the shyres that did ly nearest the north: to witt, the shyres of Stirling, Clackmanan, Perth, Fyfe, Angus, Mearnes, and all their associates in the north, about the number of ten thousand men. (This winter was the fairest that was in Scotland this many years.) This army came to the Bridge of Dee in the midst of March, and set ther camp on the Tulloch hill the first night; on the morrow they led their army through Aberdein in such a grandour—that wes admirable bot for no other purpose bot to terrifie the inhabitants therof, and then went to the links where the Earle of Marshall Forbes, Frazer, Crichton, and all the northern barrons mett there with their forces of horse and foot. And all thes men came for no other purpose or intention bot to plunder Aberdein becaus they wold not goe on in the wars of the Covenant with them. After this they marched to Kintoir to sie if they could take the Marquis of Huntlie, who was lying at Inverury with a small pairty for the king. But the Marquis of Huntlie not

* General Alexander Leslie, latterly Earl of Leven, was not of illegitimate birth. He was son of Captain George Leslie of Balgonie, by his wife Anne, daughter of Stewart of Ballechun.

having order from the king to fight with them, nor of himselfe desyreous of blood, did parlie with Generall Lesley, and after dismissed his forces. But Lesley not keeping condition to the said Marquis, sent him to Edinburgh, where he was put in the castle, and remained till Junij that the king came to Berwick and pacified the troubles in Scotland for that year (as after shall be declared in its own tyme and place). When the army went to Kintoir, as wes befor declared, there wes two thousand of their best men brought into Aberdein upon frie quarter and to cast in our ditches, for in the begining of this year there was one Collonell W^m Johnstoun, son to Robert Johnstoun, Laird of Crimon,* who wes weill experienced in warlike affairs, being born in Aberdein, and fearing the danger and thinking to have gotten supplie from the king out of England, did draw ane ditch about the toun. The spring tyme being very fair, the people of Aberdein was so willing that within twentie dayes they did cast out all the ditches. This two thousand men forsaid forced the tounes people to cast them all in againe. At this tyme many of the speciall men of Aberdeen left it and went to Holland, and for England, and some of our ministers, specially M^r. Robert Barron, who dyed at Berwick.

All this tyme Argyle brought doun all his lairds and outlaws out of his Africa to Aberdein, who were the first plunderers in Scotland. The Libians in Africa were not so savage as they in all things they took but especiallie iron work, for indeid afterwards they gott their fill at Inverlochie (as sall be declared in its own tyme). When Generall Lesley and his army had over-rune all the north of Scotland because they wold not joyne in the Covenant with them, they returned to the south againe loaded with spoyle and plunder, especiallie the Dundie men, who wes so furiously set against Aberdein, that if they had gotten way they thought it good service to have killed every creature in it. But, thanks be to God, they were disappointed, for the drink they had brewin

* Robert Johnstone, of Crimond, was Provost of Aberdeen ("Gordon's Scots Affairs," ii., 257).

for Aberdein, they did drink of it themselves, as hereafter shall be declared. Generall Lesley having dismissed his northland army, he raised all Scotland beyond the Forth river from east to west, and marched to Dunselaw, and there set down his camp and lay waiting the king's coming from England, being about the number of 30,000 men. They were so furiously set for the Covenant that every man ran willingly of his own accord.

The king all this tyme marching with his army at length came to Berwick in Junij, not to enter in blood bot to sie if he could get matters settled in a calme way. But nothing could work with the Scots except they gott all their will, quhich in end they gott. The king seing nothing wold move them to peace, he drew out his forces to the feild, quhilk wold have bein about 20,000 weill furnished men, for first he put furth the Earle of Holland, they [took the] way to Kelso with 4,000 horsemen to cross the river and come down to try the Scots. But he not being honest, or ane coward, was resisted be Collonell Monro, who had with him 1,200 footmen, being set at the back of ane long dyke and gave him ane volley of shot* befor he came within halfe ane myle, turned his horse head againe and came back to the king to the army, and reported that east and west of Scotland wes full of men. This strucke such ane fear in the hearts of the king's army that within ane night or two, many of them stole away, so the king seing nothing to content the Scots bot blood, or them to have their wills, commissioners wes set out on both sydes. But nothing to the purpose quhilk wes upon the 18 of Junij. So at length the king gave them all their desyre and dismissed his army, and the Scots returned to their severall dwellings. In this meane tyme, when the king wes at Berwick, the Marquis of Hamilton wes put forth to the sea with ane fleit of ships and 10,000 men weill appointed to land in Fyfe. But he, delaying the tyme to sie what the king wold doe, landit not his men, but kepted them in the ships

* This "volley," in connection with the affair of Dunse Law, is omitted by contemporary chroniclers.

untill many wes sick and some dyed. Ther wes at that tyme sundrie noblemen and officers of Scots men, who being grieved at the Marquis of Hamiltoun, that wold not land his men nor act any thing, and they being suspicious he not being honest in the king's business, left him and came to the Road of Aberdein with three war ships. And they rode there till they saw occasion to land, as after shall be declared. The names of these were James Gordon, Lord of Aboyne, second son to the Marquis of Huntly, the Earle of Glencairne, two sons of the Earle of Strivling, the lord of Tillibairne, with two sons of the laird of Drums, elder and younger, the laird of Federet, and many of Aberdein's men, who had fled away in March. Among whom wes William Cuthbert and Collonell Gune, ane Stranaver man borne,* Captaine Nathaniell Gordon, two Captaines James Gordon, one of them called Tineleg, loseing his leg in England, with some ministers who afterwards turned vehement for the Covenant. Now we returne to our affairs in the north cuntry. After that Generall Lesley had broken condition to the Marquis of Huntley and carried him prisoner to Edinburgh, the rest of the northland Covenanters did begine to insult the king's pairtie, that in some quiet places remained behind Huntley. The leader of the Covenant faction was the Earle of Marshal; how being he wes long in puting his hand to it, yet he turned more cruell than any who was in at the begining. The lord Fraser, the lord Crichtoun, the lord Forbes, the laird of Towie, the laird of Delgettie, the laird of Cragivar (that famous oppressor),—they, I say, with all their followers, but especially the Buchan men, with the laird of Ludquharne, did conveyin at the toun of Turreffe, and thinking to goe through the land as Generall

* Colonel Gun was son of John Gun Robson, and was a kinsman of the Earl of Sutherland; he was born at Westergarthie in Sutherland. In 1639 he was knighted at Berwick by Charles I., and was subsequently appointed a gentleman of the king's bedchamber. He early attained distinction in the German wars, and having returned to Germany, was promoted as major-general and constituted a baron of the empire.—Gordon's "Scots Affairs," ii., 266, *note*.

Lesley did, was surprysed by ane pairtie of the king's. The leaders therof being the lairds of Bamfe, Haddo, Gight, Park, Collonell Johnstoun, with diverse others, came to the toun of Turreffe be the break of day, and having beset the toun befor they were aware of, gave the Covenanters a charge, who all fled without stroak of sword.* This was about the begining of May. The most pairt of all the comons of Buchan did cast their armes from them, yet many being taken with little blood, were sent to their homes, being sworne not to ryse in that cause againe. But never one word performed when occasion offered, because the ministers gave them a pardon for all others against the Covenant. After this the king's pairtie did conveyn more forces ; then they marched towards Inverurie, and came to Aberdein, and resting there two dayes, they marched southward. The shyres of Mearnes and Angus, not able to encounter them, agreed upon thes termes, that the king's pairtie should march to their dwellings, and the Covenant pairtie swear not to come north againe. But never ane word keeped ; for as soon as the king's pairtie was dismissed the other pairtie conveyned. To witt, the Covenanters from all quarters of the countrie, and came to Aberdein, about 6,000 men, the Earle of Montrose being the Generall, accompanied with the Earle of Marshal, the Lord Fraser, and all the noblemen and gentlemen and comons in Angus and Stormond. The Earle of Athole and all his men, with all the power of the Covenanters of the north, and being in Aberdein alwayes upon frie quarters, did put in all their horse amongst the young bear and destroyed it all, and marching from Aberdein they went to Gight, and laid seige to the house, but prevailed nothing against it, for in the mean tyme there came from the Marquis of Hamiltoun the men befor spoken of, to witt, Glencairne, the Lord of Aboyne, the Lord of Tillibairne, and the rest of the foir-named persons. They, I say, coming to the road of Aberdein with two ships of war

* This is a very imperfect account of the affair of Turriff. See Gordon's "Scots Affairs," 256—259, and Spalding's "Memorials," ed. 1829, p. 112.

and a Collonel, did strick such ane fear and terror in the hearts of the Covenanters that they all forsook the Castle of Gight and marched back to Aberdein within three days, leaving nothing behind them but the dolefull spectacle of their plundering foresaid. The Athole men, hearing of the king's ships comeing to Aberdein, marched home the nearest way through the countrie, for the most part of them was for the king in their hearts. The rest of Montrose's army comeing to Aberdein rested one night, but on the morrow they were stroak with such a panick in their hearts that they fled south without any kind of order, for the Earle of Montrose's colores wes sein caryed out at Provost Jaffrey's, his back yeat, without a man to guard them. After their departure, the Lord of Aboyne, with the rest of the noblemen and captaines and gentlemen landit, and went to Straboggie, his father's dwelling, and there met with his friends and others, who were for the king, and did raise all the power they could, seing the fruit of the Covenant did repent and joyne with the king's pairtie, and marched to Aberdein, where the toun joyned to them 300 of the gallantest young men in the citie. They might have raised many more, bot many had turned to the Covenant. The lord of Aboyne being generall, had his rendezvous at Muthill in the Mearnes, at the laird of Leye's castell, being about 6,000 men, and from thence marched to Megrahill above the toun of Cowie. And there the army being drawn up in battell array, Collonel Gune being commander of the foot, and Collonel Johnstoun of the horse, this Collonel Gune, being a traitor, led the foot army befor the face of the enemie's cannon, the enemy being camped in Stonhyve, and having with them twelve feild pieces and tuo cartows, their bullets weying thirty-two pounds weight. These cartows bullets lighted among the Lord Aboyne's highland men, and they not being accustomed with the noyse of the canons, retired back. By no means could they be got into any order againe, bot all went home with the countrie cattell and sheep, for it is their custome to spoyll when they goe home from battell. The Lord of Aboyne with the rest of his army retired back

to Aberdein, where all the Strathbogie foot men went home and there remained nor wald move—but a few barrons and gentlemen, who were horsemen. This shameful runing away at Megrahill* was upon the 15 day of Junij. The Covenant pairty of the south seing them rune away without any skaith receavit, took such courage and came to the Bridge of Dee upon Tuesday thereafter, the 18 day of Junij, being in number about 4,000 men. The toun of Aberdein, seing themselves left of all the king's pairtie, except the Lord of Aboyne and some few horsemen, and knowing the hatred the Covenanters had to them, the citie went to the said Bridge of Dee very couragiously, about 500 men, Collonell Johnstoun, their commander, with two little feild pieces, and having gotten possession of the bridge, withstood the Covenanters, who had ther fourteen cannons, and defended the said bridge most stoutlie untill, unfortunately, Collonell Johnstoun received ane great stroak with the cannon bullet on the knee, who, not being able to stand, was forced to retire himselfe from the bridge, and Nathaniell Gordon entred his place, and acted his pairt worthilie, while in the end Aberdein's men being few in number and the other pairty many, and strong by reason of their great cannon and the loss of Collonell Johnstoun, and ane unhappie bullet coming from one of the cartows killed the Laird of Pitmedden,† the rest of the horsemen being terrified hereat fled, being still suspicious of Collonell Gun, he drawing up the horsmen still in the face of the enemy. They had intelligence what they were, and seing to be but few, gave such an assault to the bridge, that they wan it, John Midletoun being their captaine, for this was the first exployt that ever he did.‡ The bridge being wone, every man made releife for himselfe as he could doe best.

* For a detailed account of the skirmish at Meagre, near Stonehaven, see Gordon's "Scots Affairs," ii., 272—4.

† John Seton of Pitmedden.

‡ John Middleton afterwards deserted the popular cause, and attached himself to the king's party, when he was created Earl of Middleton. On account of malversation, he was latterly deprived of his public offices.

Upon the Covenant syde ther were divers killed, whom they buried in the mosses beyond the bridge, among the rest Mr. Andrew Ramsay,* brother to the Laird of Bomaine [Balmain]. On the king's syde ther was but few killed, but divers hurt and wounded. The Covenant pairtie, after the bridge was wone, marched directlie to Aberdein, the people being afraied the most pairt fled, Montrose and Marshal being possest of the toun. Be Marshal, his perswasion was myndful to have plundered it, and then to have set it on fire. But Montrose, being a nobler spirit, wold in no terms let burne it, bot both was willing to have plundered it if tyme had served, for the day being far spent and drawing toward night, they quited the toun that night and marched to the links. And in the morning the noblemen and barons and lairds and leaders [intended] to have fallen upon the best houses and then given all the rest of the spoyle to the souldiers. But the Almighty God, ordering all things as it pleaseth Him, did change the course another way, for upon the morrow about two hours there came to the road one John Straquhan,† with orders from the king that they should cease from that cruell persute of theirs against his pairtie in the north. Lykewayes did show the aggriment betwixt the king and the Covenanters at Dunselow. This army at Aberdein, seing themselves dissapoynted of their intention, forced the toun to give them 10,000 merks Scots to fill their purses.‡ Ther was at this tyme in the Covenant army one William Erskine, brother to the laird of Pittodrie, one of the cruellest oppressors that ever was read of, especiallie against Aberdein's

* According to Mr. James Gordon, Captain Andrew Ramsay was killed by John Gordon, of Inshstomock, "with a marked shot."—Gordon's "Scots Affairs," ii., 279.

† John Strachan, son of a sea-captain at Aberdein, was an officer in the Royal Navy; he zealously attached himself to the royal cause. He was employed by the king in several important services both on sea and land.—Spalding's Memorials, *passim*.

‡ By Mr. James Gordon the skirmish at the Bridge of Dee is circumstantially described.—"Scots Affairs," ii., 276—283.

men; but God, who takes a course with such men, did so with this man, for Mr. Andrew Ramsay forsaide, being brought to Aberdein, was buried upon the morrow after the wining of the bridge. The church yaird being set full of musqueteirs to shoot when he was to be interred, a bullet sent be God did knock out this Erskine's brains, and this was the end of that cruell oppressor.* The army for the Covenant marching home left nothing be the way, but as a speat did cary all with them. This wes the planting of the Covenant that year in Scotland.

This year, Feberwarij, the Marquis of Huntley had a meitting of all the men that was for the king in the north. About 5,000 gallant horsmen did march to the toun of Turreffe, for at this tyme the Earle of Montros, with ane pairtie of the Covenant, was in that toun, but Huntley, not having orders from the king, dismissed that pairtie, not acting any thing worth the speaking of. This year the Covenanters having departed home from Dunselaw, and the king returning to London with sundrie noblemen of Scotland, who had bein prisoners in Edinburgh, did begin to hold their committies in divers places concerning the propagating of the Covenant.

They ordained ane General Assemblie of the Kirk to be holden at Glasgou in August. The Assemblie being conveined, it was ordained that all bishops within the kingdome of Scotland that wold not quit their charges should be summarly excommunicat, and then to be apprehendit and put in prison, and their dwellings to be plundered and casten down. In this Assembly it was ordained that if ane kirkman did speak any thing against their proceidings he should be summarly excommunicat before his own face. This wes the affairs of Scotland this year.—In this year there wes four eclipses, two of the sun and two of the moon. The fifth eclipse was the glory and liberty of our kingdom of Scotland, by the overflowing flood of the Covenant. In the end of this

* William Erskine was unpopular, and was no doubt shot by an enemy. William Anderson, a goldsmith, was oharged with his murder, but was acquitted.—Gordon's "Scots Affairs," ii., 282.

year the Committee of Estates did hold their meitting at Edinburgh, where they did choose Mr. Robert Monro, ane Ross man, borne to be comander of ane partie, and gave him the styll of Major-Generall,* and to list ane regiment of men, to witt, sex or eight out of every parish, and thes wes adulterers, furnicators, theives, murderers, drunkards, Sabbath-breakers, who were given up be the minister of every parish, and these were to plant the Covenant through Scotland.

1640.—In the beginning of this year the forsaid Covenanters, having all things under their feet, did hold their comittees without any interuptione, and did sett this Major-Generall Monro in great pomp, and he, thinking no less of himselfe, did hold his rendezvous about Haddingtoun, Edinburgh, and Glasgow, and some other places where the ministers and the heritors of the parishes did bring or send the foirnamed persons, and being conveyned to the generall rendezvous at Musselburgh, did march towards the north, and at length came to Aberdein in the end of the month of May, and there did quarter his men, being about 800. There they did remaine till the end of Junij; until grass and corn were grown up in the end of Junij; he plundered Aberdein of all the armes that wes within it, forcing every man to swear what he had, and then taking a number of Aberdein men with him he came to the laird of Drums Castell, and there did lay ane seidge to it. His own tennants defendit the castell stoutly for three or four dayes; bot in the end they were forced to surrender and leave all their armes behind them, and Monro did put in ane garrison therein.† After that returning to Aberdein, resting his men some few dayes, he upon ane Sunday at night drew

* Colonel Robert Monro was a distinguished officer in the army of Gustavus Adolphus. Recalled by Charles I., he espoused the cause of the Covenanters, and accepted a command on their behalf. He afterwards held an important command in Ireland. His "Expedition" in Sweden, a folio volume published in 1657, suggested to Sir Walter Scott the character of Dugald Dalgetty.

† The siege of Drum Castle, the residence of Sir Alexander Irvine, is described by Mr. James Gordon more circumstantially. Sir Alexander Irvine was absent at the time of the siege.—"Scots Affairs," iii., 197.

orth his whole men out of the toun, and took all the poor abourers' horses, went to Strathbogie and Enzie, and to Auchindoun, and plundered all that land, except such as fled or escaped to the highlands or hills. Nevertheless he did fyne all the free holders and woodsetters of the name of Gordon, and others, who had been for the king the year befoir. After this he crossed the river of Spey to Spynie, the Bishop of Murray, his residence,* and deceaving the porter, got entrance, when he took the bishop and all his treasure, and carried him south, prisoner. After the taking of the bishop, he went to Ross, his own countrie. His friends gave him 200 Highlanders to help to plant the Covenant, and then returning southward he came to Banffe, where he set his camp in the midst of the Earle of Airlie, his corns, and destroyed them all, and did cast down the lord of Banffe's palace.† Good reader, all this tyme he was accompanied with the Forbess, Frazers, the Lord Crichton, the Earl of Marshal, and all his friends, and all the Covenanters of the north. After he had waisted all the Earle of Airlie's and the Lord of Banffe's lands, he marched south and came to Aberdein, and there remained untill he forced the merchants to give him so many elns‡ of lining and small hardin as wold be shirts for his souldiers, not paying any thing for it, except the publics bond. Thus, when he had exacted so great soumes of money from these barrons and frie holders that had been for the king, and disarmed all

* Spynie Castle was the official residence of Mr. John Guthrie, Bishop of Moray, who had declined to obey the sentence of the General Assembly of 1638, depriving him of office. His expulsion from Spynie Castle by Major-General Monro, at the instance of the Church, took place on the 16th July, 1640; he was subsequently imprisoned at Edinburgh. He latterly purchased the estate of Guthrie, in the county of Forfar.—“Fasti. Eccl., Scot,” iii., 451.

† The owner of Banff Palace was Sir George Ogilvy. Mr. James Gordon presents a circumstantial account of Monro's defacement of the palace, and of the beautiful gardens attached to it. According to Gordon, Charles I., in 1641, presented to Sir George Ogilvie 10,000 marks to repair his loss.—“History of Scots Affairs,” iii., 253.

‡ An ell. The Scottish ell is 37·2 ins. in length.

Aberdein, he marched south, and came to the Merse, where he quartered all that winter. This was Collonell Monro, his doings all that year in the north.—The ministers this year, in the end of July, did hold a General Assemblie in Aberdein within the Greyfriar Kirk. Mr. Andrew Ramsay, minister of Edinburgh, being chosen Moderator, did depose the ministers of New and Old Aberdein, worthie learned men as wes in the isle of Brittain, men of good lyfe, because they wold not goe in that furie of the Covenant. Ther names were Mr. James Sibbald, Mr. Alexander Scrogie,* Mr. John Forbes, laird of Corse, Professor of Divinity in Old Aberdein, with many ministers in the countrie. There wes given in that Assemblie great complaints against the Laird of Leckie, in Strivelingshire, for keeping his night meittings, called at that tyme the Familie of Love,† because there wes foull pranks played at it amongst young men and young women. Ther wes orders given out at this Assemblie to excommunicate every man, both kirk men and laiks, who wold not subscribe the Covenant and that sumarlie. It was ordained lykewayes that the bishops dwelling in Old Aberdein should be plundered and casten doun, quhilk was performed shortly be the Lord Forbes and his friends. Nevertheless the Bishop at that tyme called Mr. Adam Ballantine, ane aged man and of ane good lyfe, being halfe brother to the Lord Forbes be the mother; they who should have bein his friends were the men did first put hand on him, and seized on all his house and plenishing. Escaping himselfe, he lived quietlie in ane husbandman's house in the Boyne, untill Monro and his souldiers wes gone south, and then the poor Bishop went to England, where he

* See *supra*.

† These nocturnal meetings for devotional exercises were conducted in Stirlingshire, and throughout the west of Scotland. Certain irregularities connected with them were reported to the General Assembly by Mr. Henry Guthrie, minister of Stirling, and it was ordered that the meetings should cease. The promoters were chiefly remarkable for their opposition to set forms of prayer.—Gordon's "Scots Affairs," iii., 222, 223.

died.* The ministers who were for the Covenant did then cry out that he that wold not come into that blessed work of Reformation was assuredly damned in hell. This was the affairs of the kirk that year.

In the month of Junij the Estates of Scotland, so called for the tyme, did raise ane levie of men throughout all Scotland, the fourth man to goe to England against the king ; nevertheless he giving them all contentment. The year befor old Lesley being chosen their Generall, David Lesley his Lieuetennant Generall, the Earl of Callander and the Lieuetennent Generall, Sir James Lumsden Major Generall, with many nobles and barons of Scotland, did meit at Kelso, or near by and marched forward to England, and many ministers with them crying for fighting untill they came to Newburne,† where the king had a pairtie lying. The king's pairtie, not suspecting the Scots army to have come so soon, was surprised, and diverse killed and many taken prisoners, among whom the lord Digbie.

OBSERVATIONS IN THE YEAR 1644.

In the beginning of this year the Marquis of Huntley did convey the pairtie that was for the king in the north, and in the month of March came to Aberdein with all his friends of the name of Gordon (I mean the Gordons of the north). As for the Gordons in Galloway,‡ they were upon the Covenant

* Adam Bellenden, Bishop of Aberdeen, was a correspondent of Archbishop Laud ; he was excommunicated by the General Assembly of 1638, and left Aberdeen in March, 1639. In 1641, he received a pension of £100 from Charles I., and in 1642 was, under a different name, instituted rector of Portlock, Somersetshire. He died in 1647.—“Fasti Eccl. Scot.,” iii., 885.

† Newburn is situated five miles to the north-west of Newcastle. At the battle fought here in August, 1640, the Scottish Parliamentary army, under Major-General Leslie, defeated the king's forces under command of Lord Conway.

‡ Alexander Gordon, of Earlston, in Galloway, strenuously opposed in Parliament the measures of Charles I. for the establishment of episcopacy in Scotland ; he was fined 500 marks for not conforming to the liturgy. He died in 1653.

syde. And there the Marquis of Huntley did ly in Aberdein till near the end of Appryll, desyreing the rest of the countrie to ryse and joyne with him. But they being blinded in the great work of the Covenant, wold not rise nor joyne with him, for at this tyme the Covenant wes so much respected that he might have spoken as weill against the scripture as against it. In the moneth of Apryll the Estates of Parliament (as they were called then) did raise ane great army in the south, the Marquis of Argyle being their Generall, with the Lord Burley the Earle of Lothian and ane regiment of men that came out of Falkland, who at that time were called Louthian Kers regiment and marching towards the north. The first salutation they gave they spoyled the Laird of Drum's hous,* with all his lands and tenements, religion being the cloak of all—for at this tyme the Laird of Drum younger had married ane daughter of the Marquis of Huntley's, being the Marquis of Argyle's sister's daughter, yet for all that nothing could content him bot he wold plunder, in caice that he wold not subscribe the Covenant. But Christ gave never his disciples such order to plant religion with pick and musquet. After this, in the beginning of May, Argyle came to Aberdein, where all his forces did meit—to witt, the Fyffemen, Perth, Angus, and Mearnes men, and there he did hold his Comittees, and called in all the gentry and free holders of the north, and made them pay soundly for their standing out against the Covenant and the Estates, and for rysing with the Marquis of Huntley in the king's cause, and get caution they should not doe the lyke in tymes to come. Now all this tyme, good reader, thou shall understand that that Covenat, or rather the men for the Covenant, did alwayes quarter frie upon Aberdein, for the most part of Aberdein at this tyme was against the Covenant, and were called Anti-Covenanters. Having ended their comittees upon Aberdein expenses, they

* Sir Alexander Irvine, of Drum, was absent on the occasion of Argyle's hostile visit. Having permitted his wife and the household to withdraw, Argyle ordered the mansion to be wrecked, which was effected by Irish soldiers.—Spalding's "Troubles," ed. 1829, 406.

marched north to Kellie in Buchan, the Laird of Haddo, Sir John Gordon, his dwelling, who at this tyme was keeping out his hous. Argyle and his forces laying ane seige to the castle, it was stoutly defendit. In the end they came to ane parley ; the conditions wes that he should not ryse against the Covenant. The man being of ane stout spirit came out be perswasion of the Earle of Marshal, and some of the name of Forbes, his near kinsmen, was deceitfully betrayed, against all reason, and being taken prisoner after he had rendered, he was disarmed, and all his men, who with the most pairt of the specialls was conveyed to Aberdein with ane guard, and from thence to Edinburgh, where, in the month of Junij, this Sir John Gordon of Haddo, with ane Maxwell, Provost of Dumfreiss, for giving quartering to ane pairtie of Englishmen that was for the king, were both beheaded.* Our ministers at this tyme were Mr. Andrew Cant† and Mr. John Row,‡ who did still cry for blood and scaffold work. The Marquis of Huntley in the month of Apryll, as was befoir declared, lifted his small army when he went the length of Rothiemay,§ and dismissed them ; and he being so hardly persewed, was forced

* Sir John Gordon capitulated unconditionally to the Marquis of Argyle on the 8th May, 1644. He was some time imprisoned in the western portion of St. Giles cathedral, Edinburgh, and on the 19th July was beheaded with the instrument called "the Maiden."

† Mr. Andrew Cant was translated from Newbattle to Aberdeen in 1641. A zealous upholder of the Covenant, he energetically resisted those who were opposed to it. He incurred much personal hostility through a natural warmth of temper, which he was not careful to suppress. From his alleged insincerity, or whining manner, the term *cant* is said to be derived. He died in 1663.—"Fasti Eccl. Scot.," iii., 463.

‡ A learned divine, Mr. John Row, was successively schoolmaster of Kirkcaldy and master of the grammar school at Perth. In 1641 he was appointed one of the ministers of Aberdeen. Keenly attaching himself to the cause of the Covenanters, he incurred considerable odium, and was obliged to seek temporary refuge in the castle of Dunnottar. He subsequently joined the Independents. Latterly he became principal of King's College, Aberdeen ; he died about the year, 1672.—Fasti Eccl. Scot., iii., 471.

§ A parish in the county of Banff.

to take the sea in a boat and flee to Stranaver,* where he remained ane year and more. His eldest son at this time, who was called George Lord Gordon, did not countenance his father nor the king's pairtie, but withdrew himselfe out of his father's way, and was thought to be for the Covenant, bot was not for it, as shall be declared in tyme and place.† This year the comittee men went through the countrie and made men subscryve bands called the Blind Band,‡ bot especiallie those that had bein for the king's pairtie. The exactors of these moneys wes W^m Earl Marshal, and that famous man the laird of Craigievar,§ with the Lord Burley, who was at that tyme Governour of Aberdein|| and of the north. The first of September, 1644, the battell of Tippermuir, fought betwixt the Marquis of Montrose and the Covenanters, where Montrose obtained the victorie, and killed of the Covenanters 1,500 men,¶ the most pairt of them being Fyfe men. The threteinth of September, 1644, the battell of Aberdein, foughten betwixt

* Strathnaver is a large and interesting valley in Sutherlandshire.

† When, in 1643, his father and his younger brother, Lord Aboyne, stood out against the Covenant, Lord Gordon adhered to the Estates; in September, 1644, he joined Argyle, who was his mother's brother. He subsequently deserted the Covenanters, and attached himself to Montrose. He fell in the battle of Alford on the 2nd July, 1645.

‡ "A band [bond] devised by the Estates, commonly called the Blind Band, which every wealthy honest man within Edinburgh, or coming to Edinburgh, were urged to subscribe, and ordained by the estates to be subscribed through all Scotland, whereby ilk man was compelled to subscribe the samen, obliging him to contribute to the good cause such a certain sum of money equivalent to his estate, and to the contentment of these persons, the presenters of the Blind Band, and no otherwise, at such days and places as was therein contained."—Spalding's "History of the Troubles," ed. 1829, p. 379.

§ Sir William Forbes, of Craigievar, was a vehement supporter of the Covenanters; but before his death he is said to have disapproved their proceedings, and to have formed a resolution of espousing the royal cause.

|| Lord Balfour of Burleigh.

¶ The success of Montrose in this engagement was complete, for he vanquished his opponents without sustaining the loss of one man.

Montrose and the Covenanters, where Montrose obtained the victory, and killed of the Covenanters 520 men, and an 180 of Aberdein men. The leaders of the Covenant army was the lord of Burley, Provost Lesley,* the Lord Fraser,† the Master of Forbes,‡ Ludovick Gordon, son to the Marquis of Huntley,§ the laird of Boyne,|| and the laird of Cragivar, that famous man.

About the end of October, 1644, the Marquis of Argyle, with the Earle of Louthian, came to Fyvie, and beleagured Montrose within the wood thereof, where there was divers killed on Argyle's syde. Among these was Alexander Keith, brother to the Earle Marshal. After this Montrose went to Strathbogie, and there was diverse skirmishes. After that Montrose marcht from Strathbogie and went to Auchendoun, and from that to Badyenock, and from that to Atholl, and from Atholl he went to Argyll, where he kepted his winter quarters. Argyle seing he could get no advantage, left off his persute and returned to the south, for Argyle had at this tyme in his army 1,500 horsemen and 5,000 footmen, besydes the countrie gentles where he marched through the countrie.

The 2nd Feberwarij, 1645, the battle of Inverlochrie, foughten betuixt Montrose and Argyle, where Montrose obtained the victory, and killed to Argyll about 1,600 men, among whom was the Laird of Auchinbreck, with many specialls of the name of Campbell—Argyle all the tyme being sitting in ane boat vpon the loch beholding the battell, where Thomas Ogilvie, son to the Earle of Airlie, was killed on Montrose's syde.

About the end of March, 1645, Colonell John Hurrie ¶

* Sir Patrick Leslie, Provost of Aberdeen, was a zealous Covenanter.

† Andrew, second Lord Fraser.

‡ Alexander, Master of Forbes, afterwards tenth Lord Forbes.

§ Ludovick or Lewis Gordon, second son of the second Marquis of Huntly, succeeded his father, in 1649, as third Marquis.

|| Ogilvie.

¶ The actual name of this leader of the Covenanting army was Urrie ; it was called Hurrie by a corruption.

surprized ane pairtie of Montrose's men lying in Aberdein, where there wes but few slaine, but withall they spoylled the toun, where they got entres and murdered ane gallant man called Donald Ferquharson, of Menaltrie, the cheife of that clane.

The nyinth of May, 1645, the battle of Aulderne was foughten betuixt the Marquis of Montrose and Colonel John Hurrie, the Earle of Sutherland, the Earle of Seaforth, with all the gentry of Ross and Murray, with Colonel Hacket's regiment of horse, Louthian Kers regiment of foot, the laird of Buchan's regiment, with all the powers of Frasers, Rosses being about 8,000 men, Montrose pairtie not exceeding 3,000 men, where there was ane great slaughter on Colonel Hurrie his pairtie, and if the toun of Inverness had not bein fortified, few or none had escaped.

On the 2d July, 1645, the battle of Alford was foughten betuixt the Marquis of Montrose and General Major Baillie,* when Baillie lost the battell with ane great slaughter. The most pairt of the foot wes killed. Ther leader was brother to the Earle of Ca'silis, ane man of huge stature, the Lord of Balcarras being leader of the horse. On Montrose syde was killed Lord George Gordon, eldest son to the Marquis of Huntley, the Laird of Buchollie, the laird of Miltoune, of Keith, with some others of good qualitie.

The 15th of August, 1645, the battell of Kilsyth, foughten betuixt Montrose and all the nobilitie of the Covenanters, where Montrose obtained the victory, the Covenanters being about 12,000 men, but Montrose not exceiding 4,000 men.

The 13th day of September, 1645, the battell of Philiphaugh, foughten betuixt Montrose and David Lesley, Livetennant-General of the Scots Army in England, where he brought all the horse and dragouns of the Scots Army, and defeated Montrose. There wes great slaughter on both sydes, but especially on Lesley his syde; on Montrose side it wes after his men had rendered in battell, Lesley did put them all to the sword.

* General Major William Baillie was of the family of Baillie of Lamington.

HISTORICAL NOTICES OF, AND DOCUMENTS RELATING TO, THE MONASTERY OF ST. ANTHONY AT LEITH.

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THE patriarch of monks, St. Anthony, is one of the most notable saints in the Romish calendar. He was born A.D. 251, at Coma, or Great Heracleopolis, in Upper Egypt. His parents, who were Christians, kept him at home, fearing that through bad example his manners might be tainted. When he was under twenty his parents died, leaving him and an only sister, as their inheritance, an estate, in extent equal to a hundred and twenty British acres.* Imperfectly instructed in sacred knowledge, Anthony was influenced by a strong religious enthusiasm. Inducing his sister to concur with him, he disposed of their inheritance, in the belief that he was thereby fulfilling the divine command. The money which he received for his land he distributed among the poor, and adopted the life of an ascetic. He did not eat before sunset, and often fasted for two and three days together. He subsisted on bread, salt and water, abstained from washing his body, and clothed himself in a coarse shirt of hair.

For a time Anthony cherished monachism in his native village; he subsequently withdrew to the desert, abandoning human society. In A.D. 285 he crossed the eastern branch of the Nile, and established his abode in the ruin of an old castle on the top of the mountains, where for twenty years he indulged a rigorous seclusion. In A.D. 305 he abandoned his retreat at the request of a number of persons, who, resorting to him for advice, desired to live under his direction. He

* Butler's "Lives of the Saints," Dublin, 1853, i., 73—78.

now founded the monastery of Faium, a group of isolated cells near Memphis and Arsinoe. In the year 311, during the persecution of Maximian, he proceeded to Alexandria to testify his faith, and, if needful, to seal his testimony with his blood. Having escaped martyrdom he returned to his solitude, and penetrating into the desert, found lodgment on a hill about a day's journey from the Red Sea. There he was discovered by admiring disciples, who affectionately solicited his return. Having piously exhorted them, he returned to his seclusion.

Anthony died on the 17th January, 356, at the remarkable age of 104 years. The year before his death he performed a journey to Alexandria, to preach against the Arians. At Alexandria he had interviews with Athanasius, who became his biographer.* Among the temptations of St. Anthony, related by Athanasius, are these:—Satan tried, by bemuddling his thoughts, to divert him from becoming a monk. The arch-enemy next appeared to him in the likeness of a beautiful woman, but without disturbing him. Indignant at defeat, the tempter fell upon him at night with a multitude of fiends, and he was found in the morning apparently dead. The fiends at another time assumed the shapes of wild beasts, and so tortured him, that he experienced severe pain. But he upbraided and taunted them, and while they gnashed their teeth, a light shone into his cell from the roof, on which the devils became speechless.

Before his death St. Anthony was throughout the valley of the Nile celebrated for his religious devotedness. His memoirs, by Athanasius, are commended by Gregory Nazianzen, and also by Chrysostom. A record of his alleged miracles is preserved in the "*Acta Sanctorum*" of the Bollandists. The 17th of January was, as the day of his death, observed as a festival by the Eastern and Western

* "Of the Life of St. Anthony," by Athanasius, a translation is contained in Whiston's "*Collections of Ancient Monuments*," 1713, 8vo., pp. 143—196.

churches. He was regarded as patron and protector of the lower animals, especially of swine; and in his pictures is represented as having a pig for his page, probably on account of his having lived on roots in common with the hogs of the desert.

St. Anthony's body was buried in secret by two of his disciples, and the place of his sepulchre was believed to be unknown. But in the year 561, during the reign of Justinian, his body was alleged to be discovered, and having been carried to Alexandria, it was there deposited in the church of St. John the Baptist. In A.D. 635 it was removed to Constantinople, where it remained till the year 1070, when one Joselin, of the House of Poitiers, transported the remains to Vienne, in Dauphiny, where he placed them in the church La Motte S. Didier. In 1089 a kind of erysipelas or contagious leprosy, which visited various districts of Europe, proved especially fatal in the province of Dauphiny. Prayers were offered in the church of La Motte S. Didier, before the relics of St. Anthony, and as the distemper ceased, the result was ascribed to the saint's influence. The distemper was now styled *St. Anthony's fire*, and in the year 1095 the order of Hospitallers of St. Anthony was instituted by Gaston and Girom, two noblemen of Vienne. Pope Boniface VIII. afterwards converted the Benedictine priory at La Motte into an abbey, bestowing on the members the rank of canons regular of St. Austin, and constituting the abbot chief or general of the order.* The monks of St. Anthony wore a cassock, a patience, a plaited cloak, and a black hood, and displayed a tau cross of blue on their left breast.

In compliment to the memory of their patron, the monks of St. Anthony were noted for rearing pigs. According to Suger, in his life of Louis le Gros, quoted by Neander in his life of St. Bernard, Prince Philip, having been killed in 1131, consequent on a hog having in one of the faubourgs of Paris caused him to be thrown from his horse, an edict was issued

* Butler's "Lives of the Saints," ed. 1853, i., 73, 78.

prohibiting swine being kept in the streets ; but the monks of St. Anthony, offering a remonstrance, were permitted to continue the practice, on the condition of placing a bell round the neck of each pig.

Guyot de Provins, a writer of the thirteenth century, remarks that the pigs of the order brought them 5,000 silver marks yearly, and that there was not a town or castle in France where they were not fed.*

Stow, in his history of London, mentions a custom which in his time prevailed in the London markets. "The officers of this city," he writes, "did divers times take from the market people pigs, starved, or otherwise unwholesome for man's sustenance ; these they did slit in the ear. One of the proctors of St. Anthony's Hospital tied a bell about the neck of each, and let it feed upon the dunghills. No one would hurt or take it up ; but if any one gave it bread or other feeding, such it would know, watch for, and daily follow whining till it had something given it ; whereupon was raised a proverb,—such a one will follow such a one, and whine as if it were an Anthony pig."

The rites of St. Anthony are still observed in Catholic countries. At Rome, on St. Anthony's Day, a religious service, called the benediction of beasts, is performed yearly in a church dedicated to the saint near Santa Maria Maggiore. The ceremony continues several days, all having animals sending them to obtain the pontifical blessing at St. Anthony's shrine. A similar custom prevails at Madrid and other places.

Prior to the Reformation, the friars of St. Anthony went about begging, and threatened to inflict the "sacred fire," or erysipelas, upon those who refused their demands. To avoid the hazard, superstitious persons presented them with a fat hog annually. Pope Paul III., at the entreaty of certain ecclesiastics, sought to abolish this system of importunity, but the abuse continued. St. Anthony was represented in pic-

* "Gordon's Monasticon," pp. 282, 283.

tures with a fire kindled at his side, to indicate his power in delivering from the "sacred fire." In Italy the peasantry and others believed that he preserved houses from taking fire, and so invoked his aid in preserving their dwellings.*

The monastery of St. Anthony at Leith was the only house belonging to the order in Scotland. It stood near the present parish church of South Leith on the west side of the alley known as St. Anthony's wynd, and was there erected in 1430 by Sir Robert Logan, of Restalrig, and confirmed in the same year by Henry Wardlaw, Bishop of St. Andrews.†

At first the members did not live very peaceably together, as appears from a charter of Humbertus, general of the order at Vienne.‡ To the institution various churches were annexed; one of which, the church of Liston, was claimed by the chapter of St. Andrews. A hot dispute arose, which was terminated by Michael Gray, the Preceptor of the monastery, executing a deed renouncing possession of the church in favour of the chapter of St. Andrews. The instrument of renunciation is in these terms:—

"Nos frater Michael Gray preceptor domus hospitalis Almi confessoris beati Antonii prope villam de Leith Sancti Andree diocesis procurator a venerabili patre domino Abbate Vienensi, sui cum consensu capituli generalis dicti loci et omnium sibi pertinentium infra Regum Scotie specialiter deputatus ex certis et evidentibus causis animum nostrum ad hoc commoventibus de consensu confratrum nostrorum loci nostri suprascripti matura deliberatione prehabita vnioni et annexationi ecclesie parochialis de Lyston nobis et nostro loco prelibato per sanctissimum in Christo patrem et dominum nostrum dominum Eugenium papam quartum graciose factis et concessis juri liti et cause et omnibus inde secutis tenore presentium integre renunciamus. In cujus rei testimonium hanc nostram presentem

* Emillianne's "Monastic Orders," p. 127.

† Fundatio prima eiusdem capelle Sancti Anthonij per Robertum Logan de Restalrig et ab eodem Henrico (Wardlaw) Episcopo (Sancti Andree) confirmata 1430.—MS. in Advocates' Library, 34, 3, 12 fol. 11.

‡ Spottiswoode's "Religious Houses," p. 243.

renunciationem manu nostra propria scripsimus et pro majori rei evidenciam sigillo nostro communi sigillanimus in capitulo ecclesie cathedralis sancti Andree et presentia totius capituli decimo octavo die mensis Martii anno Domini millesimo CCCC^{mo} xlv^{to}.*

TRANSLATION.

We, brother Michael Gray, Preceptor of the house of the hospital of the holy confessor Saint Anthony, near the town of Leith, in the Diocese of St. Andrews, Procurator specially deputed by a venerable father the Lord Abbot of Vienne, with consent of his General Chapter of the said place, and of all belonging to it within the kingdom of Scotland, from certain and evident causes moving our mind to that effect, and with consent of our *confrères* of our place above written; after mature deliberation, have by the tenor of these presents wholly renounced the union and annexation of the parish church of Lyston, graciously made and granted to us and our place foresaid by the most holy father in Christ, and our lord, Pope Eugenius Fourth, with plea of law and all that may follow thereon: In witness whereof, we have written this our present renunciation with our own hand, and for greater evidence of the fact have sealed (it) with our common seal, in the chapter of the cathedral church of St. Andrews, and in presence of the whole chapter, the 18th day of March, 1445.

In 1446, James Kennedy, Bishop of St. Andrews, confirmed to the institution the parish church of Hailes, in Haddingtonshire, which had belonged to the monks of Holyrood. In 1482, Sir Alexander Haliday, as preceptor of the monastery, was heard before the auditors in Parliament respecting the teinds, rents, and other rights of the church of Hailes.

To the preceptor and canons of the monastery, William Crichton, Chancellor of Scotland, granted in 1448 the lands of Abbeyhill, near Edinburgh.† In 1488, a chaplaincy in connection with the monastery was founded by Thomas Turing, a burgher of Edinburgh, for the maintenance of which

* Original Charter, Advocates Library, 15, 1, 18 fol. 19, No. 35.

† Edinb. Com., Reg., iii. 55.

he granted lands at Leith to the value of ten pounds yearly. The grant was confirmed by James IV. on the 17th January, 1488-9.

In addition to their ordinary revenues the canons were entitled to a Scottish quart out of every tun of wine received at Leith. In concert with the magistrates and corporation of Edinburgh, they regulated the distribution of wine received at the port. On the 18th October, 1520, the Town Council of Edinburgh framed the following regulations, named in the register, "*Statuta Vini*:"—

"The quhilk day, it is statute and ordanit be the provest baillies counsale and confraternitie of Sanct Anthone that James Prestoun, Jhone Adamesoun younger, Andro Dicksoun, Thomas Cuke, with the maister of the facultie, pas fra this tyme furth quhare ony strangear cummis with wyne of their awin aventur and by the haill hoip of the same wyne, or samekle as plesis thame, and mak competent price thair of, and that the samyn wyne be ewinlie dividit and delt amangis the haill confraternitie and tavernaris of this toun of the samyn price as beis maid first be thame, efter the forme of their auld actis, and quhen the saidis strangearis makis thair said entres of the saidis wynis in the townis buikes, that the personis aboue written forgather with the saidis strangearis and mak the price of thair said wyne within this toun of Edinburgh and nocht in Leith; and that nane of the tavernaris wyffis, nor wemen seruandis, pas to Leith in tyme to cum till waill, sey, or by ony wynis, under the pane of the vnlaw contenit in the auld actis maid thairvpoun of befoir; and thir personis aboue written till haue for thair labouris viij. d. of ilk towne wyne, and ordanis that all the nychtbouris and tavernaris that hes brocht vp ony wyne fra Leith of their last schippis vnmaid and tabillit as said is, that the samyn be had done agane to Leith inconjunct, thair to be tabillit amangis the laif of the wyne ewinlie delt amangis the saidis confraternitie and tavernaris as is aboue written, vnder the pane contenit in the auld actis of Sanct Anthone."†

William Morton was appointed preceptor of St. Anthony's on the 19th February, 1492. Alexander Crawford was

* Town Council Records of Edinburgh.

† *Ibid.*

preceptor in 1510; and on the 3rd August, 1513, Pope Leo X. issued a bull, confirming to Richard Thomson, one of the canons, the office of sacristan* of the house, to which he had been nominated by the prior and chapter. In this bull, Pope Leo enjoins that the prior shall grant to the said Richard Thomson the yearly salary of fifty marks Scots for life, the same to be paid either to himself, or to collectors appointed by him, out of the returns of orchard fruit and other revenues of the house. The Pope further granted him the value of an Alexandrian talent,† with emoluments arising from the granting of dispensations, also special power to absolve "from excommunication, suspension, interdict, or other censure, penalty, or sentence of the Church, any man whatever for sins both ordinary and extraordinary." Should his salary be unpaid for thirty days after becoming due, the Pope stipulated that the prior and chapter should be deprived of water till the debt was discharged; and should six months further elapse without payment, that the prior should suffer deprivation. The Pope insisted finally that if the commands of the holy see were not fully obeyed, the prior and chapter should be wholly debarred from indulgences, no man having power to grant them absolution, and even the prayers of the apostles Peter and Paul not availing on their behalf.

Friar Thomson was subsequently promoted as preceptor of the monastery. He is styled "Sir Richard Thomson, Preceptor of St. Anton," in a sasine granted by him on the 5th December, 1519, to John Innes and his spouse, Margaret Lundie.

Mr. Matthew Forrester is designated "Preceptor of St Anton's" in a sasine granted to him in 1552 by the magistrates of Edinburgh, of an annual rent of five marks, payable out of a tenement situated at Bass Wynd.

* The sacristan had charge of the sacred utensils and vestments, and was bound to protect the churchyard from the intrusion of animals: he possessed the sole privilege of sleeping in the church.

† A sum of very indefinite value.

In the Inventory of Deeds, belonging to the Trinity House at Leith, is enumerated—"ane charter granted be Matthew Forrester, in favour of the foresaide mariners of Leith, of the said lande on y^e hospital bankes, and for undercallit y^e groundes lying in Leith ; . . . also said yard.—Dated 26 Julii, 1567. Sealit and subscrivit be the said Mat. Forrester, Prebendar of S. Antoine, near Leith."

The monks of St. Anthony seem to have been equally obnoxious to the Reformers, as were the members of other monastic orders. In his "Satire of the Three Estates" Sir David Lyndsay puts these lines into the mouth of "the Pardoner,"—

" The gruntill of Sanct Antonis sow,
 Quhilk buir his haly bell ;
 Quha ever he be heiris this bell clinck,
 Gif me ane ducat for till drink,
 He sall never gang to hell,
 Without he be of Belieell borne ;
 Maisters, trow ye that this be scorne !
 Cum win this Pardonn, cum."

In Bagimont's Roll, in the reign of James V., St. Anthony's monastery was taxed at £6 13s. 4d. ; the income was at the Reformation valued at £211 15s. 6d. At the Reformation the revenues were partially bestowed on the town council of Leith. On the 10th June, 1572, James VI., with consent of the Regent Mar, granted to the town council "all lands, tenements, grants, and annual rents belonging to any chaplainries founded within any kirk, chapell, or college within the town of Leith." In 1592 the monastery was finally dissolved, and Mr. John Hay, clerk of session, received a royal grant of "the preceptory of St. Anton's" and "site thereof," including four acres of land, with the parsonage teinds of the lands of Redhalls, Collintoun, Oxengains, and half the lands of Cornistown, and the vicarage of the parish of Hailes, and of other annual rents which had belonged to

the institution. Of this grant a feu-farm was, by Mr. John Hay, conveyed to his brother Daniel, and Margaret Purdie, his wife, on the 5th March of the same year, and on the 26th February, 1593, the grant was confirmed.

On the 10th August, 1596, Mr. John Hay and his brother Daniel resigned their lands into the hands of the king in favour of the Kirk-session of Leith for behoof of an hospital which was designated as King James's. At the same time, and for the like purpose, the town council of Leith resigned in favour of the Kirk-session their portion of the lands. These resignations were followed by a charter under the great seal, dated 23rd September, 1796, conveying the entire lands and revenues of the monastery to the Kirk-session.

By the Kirk-session of Leith the lands of St. Anthony's Yard were in February, 1606, conveyed in feu-farm to Mr. Jeremiah Lindsay, of Dinyne; the wine privilege being commuted in a payment of money. On the 19th November, 1638, the Kirk-session records contain the following entry:—"The sessione has ordainit the wyne vintners in Leith to paye thair imposts of the wyne to oure sessione, or otherwise to be convenit befor the kirkis; and then they sall pay thair imposts as we ordain."

The wine impost became a part of the ordinary parish revenues, and under sanction of the Kirk-session, an official styled the *Baron Bailie of St. Anthony* exercised a considerable jurisdiction at the ports of Leith and Newhaven; he held court at will, and gave judgment without appeal. The office continued till 1833, when it was abrogated by the Burgh Reform Act. The last Baron Bailie of St. Anthony's was Thomas Barker.*

On the tower of the monastery French artillery was placed during the conflict of 1560. At the siege of Leith, in 1569, the church was partially demolished; it was adopted as King James's Hospital in 1614. A portion of the struc-

* Gordon's Monasticon, pp. 283-4.

ture which remains, consisting of the doorways and part of an arch, is represented in the accompanying engraving.



REMAINS OF ST. ANTHONY'S MONASTERY.

On the common seal of the monastery St. Anthony appeared under a canopy in a hermit's gown, and having at his right foot a wild pig with a bell on its neck. On the circumfer-



ST. ANTHONY'S SEAL.

ence was the legend *S. Commune Preceptorie Sancti Anthonii prope Lecht.* The seal, which is preserved in the

Advocates Library, is represented in the accompanying engraving.

Associated with the monastery were a chapel and hermitage in the King's Park, Edinburgh. Resting on the summit of a crag to the north of Arthur's Seat, and overlooking St. Margaret's Loch, the ruin of St. Anthony's Chapel is still a conspicuous object. By Maitland, in his "History of Edinburgh,"* it is thus described :—

"It is in length $43\frac{1}{2}$ feet, in breadth 18 feet, and the same in height. At the west end is a tower 19 feet square, but of what height at first I cannot ascertain, though by the form of what is standing I take to have been about 40 feet. The area of the chapel is in length 32 feet, and the breadth of 12 feet, and height of 14 feet. It has two arched doorways, and two windows on each side of the same form, with a handsome Gothic roof of three compartments. In the southern wall, near the altar, is a small arched niche, wherein was put the holy water, and another opposite of large dimensions, which was strongly fortified for keeping the pix with the consecrated bread. Beside, by the door and arch on the inside, I imagine there must have been an outing from the west; and the room over the said arch I take to have been the vestiary, ascended to by a ladder and a few steps above the said arch. And without, in the wall at the eastern end, was a handsome stone seat. The chapel appears to have been enclosed with a stone wall, extending from the western precipice of the hill, along the southern side and eastern end, to the northern precipice of the hill."

About twenty-seven feet south-west from the chapel are situated the remains of St. Anthony's hermitage, which Maitland has thus described :—

"It is of the length of 16 feet 8 inches, 12 feet 8 inches in breadth, and 11 feet in height. The eastern end and south-eastern corner are built on the rock, which rises within 2 feet of the roof or stone arch which covers it; it appears to have had two doors near the south-western and north-eastern corners, of the height of 5 feet, and width of 2 feet, without the least appearance of a window, though probably there was in the western end, but demolished with the gable, and in the inside of the eastern end, two bolles or cupboards."

Maitland's "History of Edinburgh," pp. 152-3.

Referring to St. Anthony's hermitage, Amot, in his "History of Edinburgh,"* remarks eloquently, "Sequestered from the rest of mankind, these holy hermits might there dedicate their lives to devotion. The barrenness of the rock might teach them humility and mortification, the lofty site and extensive prospect would dispose the mind to contemplation, and looking down upon the royal palace beneath,† they might compare the tranquillity of their own situation, preparing their minds for that scene of everlasting serenity which they expected hereafter, with the storms which assailed the court amidst a tumultuous and barbarous people."

At the base of the eminence which supports the hermitage and chapel is the well of St. Margaret, anciently reputed for its healing virtues. Probably the celebrity of the fountain suggested the construction of those sacred edifices. In the lament of Lady Barbara Erskine for the cruel desertion of her lord, James, Marquis of Douglas,‡ the well is noticed in these lines :—

"St. Anton's well shall be my drink
Since my true love has forsaken me."

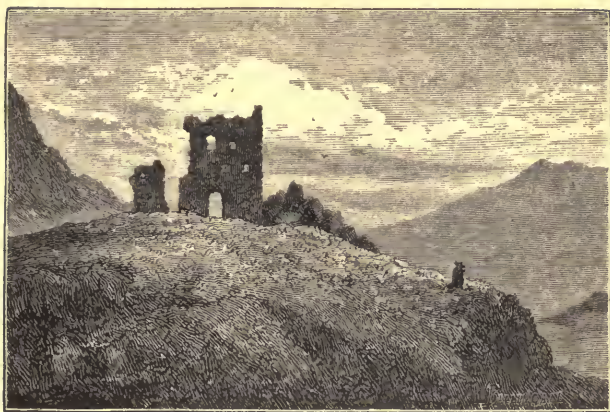
From their elevated hermitage or chapel the brethren of St. Anthony could discover the ships of commerce entering the port of Leith, and could hail and bless the mariners' return, expecting to receive in acknowledgment a share of those secular gifts which generous seamen love to bestow on those interested in their affairs. In the engraving on the opposite page is represented the chapel of St. Anthony in its present aspects.

In the Advocates Library is preserved a thin octavo volume in vellum, of twenty-one leaves, entitled "The Rental Buke of Sanct Anthoni's and Newhaven." It contains no entries relating to the secular property of the monastery, but

* Amot's "History of Edinburgh," p. 256.

† The Palace of Holyrood.

‡ The pathetic song from which these lines are quoted, beginning "O waly waly," belongs to the reign of Charles II.



ST. ANTHONY'S CHAPEL.

presents certain forms of prayer, and other instruments relating to its spiritual concerns and ordinary administration. The following prayer is at the commencement of the volume inscribed on parchment :—

“Suscipiat vos omnipotens pater vnigenitusque dei filius sanctusque spiritus precibus beate Marie semper virginis gloriosi patroni nostri et totius curie celestis exercitus omniumque sanctorum apostolorum martyrorum confessorum atque virginum et omnium electorum suorum qui sibi placuerunt ab initio mundi; et dirigat actus vestros in bene placito sue voluntatis concedatque vobis gratiam bene vivendi, vitam corrigendi, et in bonis operibus vsque in finem perseverandi. Et nos licet indigni concedamus vobis in vita pariter et in morte participationem omnium missarum omnium orationum omnium suffragiorum bonorumque ceterorum spiritualium que in nostris collegiis fiunt et per ordinem nostrum in totius mundi partibus domino concedente fient in futurum et sicut hodie caritas fraternitatis vos vel vobis conjungit in terris ita ineffabiliter Dei pietas vos vel vobis conjungere dignetur in coelis qui cum Deo Patre et Sancto Spiritu.”

TRANSLATION.

May the Almighty Father, and the only begotten Son of God, and the Holy Spirit, hear you, through the prayers of the ever-blessed Virgin Mary, our glorious patron, and the whole host of the heavenly courts, and all the holy apostles, martyrs, confessors of the faith, virgins, and all His elect, whom He has from the beginning of the world chosen to Himself. May He direct your actions according to the good pleasure of His will; and grant unto you grace to live honestly, amending your lives and continuing in good works to the end. It is permitted to us to grant you power over the spiritual life and death of the wicked; and a share in all the masses, prayers, and supplications of the good; and in all other religious duties performed in the institutions of our order; and which in all time coming shall be performed, God willing, in all parts of the world. And as to-day brotherly love unites you on earth, so may the discharge of your spiritual duties toward God render you worthy to be united in heaven to Him, who with God the Father and the Holy Spirit . . . [is to be worshipped and glorified].

“Sequitur Litera Confraternitatis.

“Complures summi pontifices et novissimo sanctissimus dominus noster dominus Clemens papa modernus indulcerint et confirmaverint omnibus vtriusque sexus confratribus seu consorioribus confraternitatis Sancti Anthonii abbatis vt eligere possint idoneum confessorem secularem vel cujusvis ordinis regularem qui eos in casibus sedi apostolice non reservatis bis singulis annis in vita absolvere penitentiam salutatem injungere votaque cumque majoribus exceptis in alia pietatis opera committere. Et in reservatis sedi apostolice casibus semel in capite anni vel infra annum eundem et toties quoties in mortis articulo absolutionem plenariam cum assuetione quatuor millium sexcentorum et sexaginta annorum indulgentiarum singulis annis in vita ac participatione omnium stationum sancte romane ecclesie peregrinationum et omuium suffragiorum militantis ecclesie et quod ipsi confratres nisi nominatim fuerunt excommunicati aut publici vsurarii in locis interdictis sepeliri omniaque officia divina in eisdem locis januis apertis campanis pulsatis die

obitus eorum ob reverentiam sancti Anthonii licite celebrare valeant.

“Ea propter nos Ricardum Thomsoun preceptorem preceptorie sancti Anthonii de Leith ; attendentem devotionem erga nostram religionem et quia de bonis suis sicut premissum est in supportationem domus nostre contribuerint merito confraternitati nostre ascribi prefatis privilegiis gaudere presencium tenore declaramus. Datum sub sigillo confraternitatis nostre die mensis.

“Anno domini m° v° vicesimo sexto.”

TRANSLATION.

[Be it known to all hereby that] . . . many most reverend princes of the Church, and recently, our present Most Reverend Lord Pope Clement, have granted and confirmed to all the members of either sex, brethren or sisters, of the community of the Abbey of St. Anthony, power to elect a fit confessor, either secular or professed member of any order whatever, who, in all cases not specially reserved to the jurisdiction of the Apostolic See, might twice a year have power to grant absolution ; to exhort to repentance and salutary vows, and, the more important cases excepted, to engage in other pious works. And in cases reserved to the Apostolic See, once at the commencement of the year, or within the year, and as often as any are at the point of death, grant full absolution, according to the custom of 4,660 years, and grant yearly during life a share in the indulgences and all the feasts and pilgrimages of the Holy Roman Church, and in all the prayers of the church militant. Moreover, that the brethren themselves, unless excommunicated by name, or public usurers, should not be buried in forbidden ground ; and that they be empowered to perform all their religious duties in these same places, with open gates and tolling of bells, on the day of their death, in honour of St. Anthony.

Wherefore we, by these presents, do declare that Richard Thomson, Prior of the Priory of St. Anthony at Leith, rejoices in the privileges aforementioned, as one who has displayed zeal for our religion in so much as he has contributed of his goods as is permitted to the support of our house ; and that he is deservedly enrolled as a member of our community.

Given under the seal of our fraternity on the day of the month
of , in the year A.D. 1526.

“Sequitur forma absolucionis.

“Dominus noster Iesus Christus pro sua magna pietate et sua acerbissima passione cui proprium est absolvere te vel vos ábsolvat. Et ego te absolvo auctoritate mihi concessa de omnibus peccatis tuis concessis contritis et oblitis et de iis etiam pro quibus sedis apostolica merito esset consulenda. In nomine Patris et Filii et Spiritus Sancti. Amen.

“Jesus maria.”

TRANSLATION.

FORM OF ABSOLUTION.

Our Lord Jesus Christ, out of His great love, and for the sake of His bitter sufferings, to whom of right it belongs to absolve sins, absolve thee (or ye); and I, in virtue of the power granted to me, absolve thee from all thy sins confessed; repented and forgotten; and from those sins also concerning which the Apostolic See should be properly consulted. In the name of the Father, the Son, and the Holy Spirit. Amen.

“Ad faciendum aquam benedictam pro animalibus.

“Adductorium nostrum in nomine domini qui fecit cœlum et terram.

“Exorciso te, creature salis, per Deum vivum per deum verum per deum sanctum, per deum totius creature vt officiaris sel exorcisatum in salutem animalium ad evacuandum et expellendum inimicum omnem virtutem putredinis et morbum animalium sive pecorum que necessitatibus humanis donare dignatus es vt possint salva ad vsus nostros perficere domini nostri Jesu Christi per quem creata sunt et perficiuntur vniversa secula per ignem. Amen.”

TRANSLATION.

For making holy water for animals.—Our aid is in the name of the Lord, who made heaven and earth.

I exorcise thee, creature of salt, by the living God, by the true God, by the holy God, by the God of all created things, that thou mayest become exorcised salt for the preservation of animals, for the

evacuation and expulsion of every hurtful germ of corruption and disease, in animals, or in the cattle Thou hast deigned to give to human necessity, to the end that these may become healthy for our use. (In the name) of our Lord Jesus Christ, by whom the whole universe was created, and is perfected through fire. Amen.

“Sequitur exorzisimus aque

“Exorciso te, creature aque, in nomine Dei patris omnipotentis et in nomine Jesu Christi filii ejus et in virtutem Spiritus Sancti vt omnis immundus spiritus et incursus sathane separetur et expellatur a tenebris aque ; exorcisata ad purgandum omnem morbum animalium atque omne fantasma inimici et ipsum inimicum eradicare et explan-tare valeas per virtutem domini nostri Jesu Christi per-quem creata sunt et perficientur vniversa secula per ignem. Amen.

“Hic ponatur salis in aqua.

“Hæc commixtio salis et aque per virtutem domini nostri Jesu Christi animalibus salubritas fiat. In nomine patris et filii et spiritus sancti. Amen.

“Vox domini super aquas deus maiestatis intonuit, dominus super aquas multas. Homines et jumenta salus domine quemadmodum multiplicasti maiestatem tuam deus vere. Aperies tu manum tuam et imples omne animal benedictione Dominus vobiscum. Et cum spiritu tuo. Oremus.

“Deus Invisibilis et Inestimabilis per cuncta tua pietas diffusa est ; per sanctum nomen tuum supplices deprecamur vt huic creature salis et aque ✠ benedictionem et pietatem tuam invisibili operatione infundas vt animalia que necessitatibus humanis dignatus es largiri cum ex eadem *acciperint* vel aspersa fuerint haec ✠ benedictio et sanctificacio redant illesa. Amen.

“Benedictus Deus qui dat omnibus affluenter et non impro-perat. Servo totam contulit gratiam vt et sanitatem restauraret et spiritibus imperaret immundis. Ora pro nobis beate pater vt dominus esset protector. Oremus.

“Deus qui concedis obtentui beati Anthonii confessoris tui atque Abbatis morbidum ignem extingui et membris refri-

geria praestari, fac nos propitius ipsius meritis et precibus, a Gehenne ignis incendiis liberatos integros mente et corpore tibi feliciter in gloria presentari. Per dominum nostrum Christum."

TRANSLATION.

The Exorcism of Water.

I exorcise thee, creature of water, in the name of God the Father Almighty, and Jesus Christ His Son, and by the power of the Holy Ghost, that every unclean spirit and Satanic influence may be separated and expelled from the depths of the water; that being thus exorcised, thou mightest have power to purge away every disease of animals, and wholly expel and eradicate every apparition of the fiend, and the fiend himself, by the power of our Lord Jesus Christ, by whom the whole universe was created and perfected through fire. Amen.

Here let the salt be put into the water.

May this intermixture of salt and water become healthful to animals, by the power of our Lord Jesus Christ. In the name of the Father, the Son, and the Holy Spirit. Amen.

The voice of the Lord is upon the waters; the God of glory thundereth, the Lord is upon many waters.—Psa. xxix. 3.

Thou, O Lord, art the safety of men and of beasts, so that Thou, the true God, dost greatly multiply Thy glory. Thou shalt open Thy hand, and shalt satisfy every thing living with Thy blessing. The Lord be with thee, and with thy spirit.

Let us pray.

O God, invisible and incomprehensible, Thy love is everywhere diffused. We humbly beseech Thee, for Thy name's sake, that Thou wouldst bestow Thy blessing ✠ and favour by invisible agency on this creature of salt and water, so that when the animals, which Thou hast freely given to human need, shall receive of the same, or be sprinkled therewith, this blessing ✠ and consecration may restore them to soundness. Amen.

Blessed (be) God, who giveth unto all abundantly and hasteneth not (to mark iniquity), He hath bestowed His grace on His servant, that He might restore health and have command over unclean spirits. Pray for us, O Blessed Father, that the Lord may be our protector.

Let us pray.

O God, who didst grant, at the prayer of the blessed Anthony, Thy servant and abbot, that the fire of fever should be extinguished, and coolness restored to the limbs, mercifully grant that we by his merits and prayers may be delivered from the flaming fires of hell, and happily presented to Thee whole and safe in body and in mind, in glory. For the sake of our Lord Jesus Christ.

“Receptio Confratrum et Consororum.

“Primo, oportet quod pateant istam confraternitatem amore Dei beate Marie et beati Anthonii.

“Secundo, oportet quod sint obligati pro fidelitate ordinis sic quod nunquam deberent scire neque audire malum quod revelarent et quod custodirent secreta revelata eis.

“Tertio, quod orarent pro fratribus et sororibus secundum quod ipsi tenentur pro eis orare.

“Quarto, quod sint dispositi dare omni anno elemosinam suam, tenentur. Et in ultimis diebus qui credent mori si contingat eis addicere pro suffragiis fiendis quod citius nobis darent quam aliis propter quod sumus quotidie obligati pro eis orare. Et mittent nobis diem obitus suorum ut poterimus dare placebo et dirigere cum missa de requie. Ad ista tenentur obligari quae sunt suprascripta.”

TRANSLATION.

FORM OF RECEPTION OF BRETHREN OR SISTERS.

Firstly.—It is expedient that they enter this community from love of God, the blessed Virgin, and the blessed Anthony.

Secondly.—It is expedient that they be bound by an oath of fidelity to the order; so that they should never know or hear any evil thing to reveal it; but should keep inviolable all secrets revealed to them.

Thirdly.—That they should pray for the brethren and sisters, according as they are, by vow, bound to pray for them.

Fourthly.—That they be bound to give yearly in charity what they may be willing (to bestow).—That any who, being at the close of life and believing themselves dying, bequeath anything for prayers

to be offered for them, should give it more readily to us than to others, as we are bound to pray for them *daily*. And that notice be given on the day of their death, so that we might repeat a "Placebo," and conduct their funeral rites with a mass. That they be bound to observe what is written above.

"Ista sunt retributiones quas haberent qui confraternizantur in ordine sancti Anthonii.

"Primo propter meritum fraternitatis quam cito sunt fratres, vel sorores habent mille annos indulgentiarum. Secundo habebunt partem omnium missarum celebratarum in toto ordine sic quod omnes alii religiosi tenentur pro eis sicut et nos ipsi et eiis. Item si contingat ecclesiam vel semitorium eorum interdicti ratione fraternitatis omnia sacramenta ecclesiastica ministrabuntur; hoc est dictu ecclesie aperiantur et campane pulsantur et sepulture tradentur eiis. Item septem partem de penitentiis vobis injunctis erunt dimissi, offensio patrum et matrum in violentia iniectam manum sibi. Item dies jejuniorum et festinitatum male conservatorum erunt dimissi, &c. || Item semel in vita et toties quoties in articulo mortis habeant potestatem plenariam papale elegendum confessorem ad confitendum de omnibus peccatis eorum. Item sint participatores omnium orationum jejuniorum, vniuersaliorum suffragiorum, et stationum dedicationum ecclesiarum meritorum romanorum et indulgentiarum earundem, &c."

TRANSLATION.

These are the *Rewards* which they shall enjoy who become brethren of the order of St. Anthony.

Firstly.—Because of the merits of the brotherhood, they who are presently brethren or sisters have a thousand years' indulgence.

Secondly.—They shall have a share in all the prayers offered by the whole order; and likewise that all other brethren be bound to pray for them, as we for others. Moreover, should it happen that their church or sanctuary be put under the ban, in respect to the brethren, all the rites of the church shall be duly administered; that is to say, the churches shall be opened (for them); the bells tolled, and burial granted to them. Likewise, of the penitential offerings prescribed, a

seventh part shall be remitted to you ; (to wit,) offences against parents, for laying violent hands on one'sself (suicide), and for breaking the fast days and feast days appointed by the church ; likewise, also, once during life, and as often at the point of death, (the members of the fraternity) shall enjoy plenary power from the Pope to elect a confessor, for the purpose of confessing all their sins. Moreover, also, they shall be partakers in all the sermons, fasts, and offerings everywhere, in general confessions (stationes), dedications of churches, and all advantages and indulgences of the Catholic Church.

“ Officium Confraternitatis.

“Suscipimus Deus majestatem tuam in medio templi tui secundum majestatem tuam deus sit et laus tua in finis terre Justitiæ plena est dextera tua. Psalmus, Misere mei deus ; psalmus, Magnus dominus ; psalmus, ecce quam bonum ; Kirieleysoun Christe eleysoun, Kirieleysoun Pater noster. Et ne nos. Oremus Deum.

“Ista fraternitas sit acceptabilis deo beate Marie virgine et beato Anthonio. Salvum fac servum tuum et servos tuos, deus meus, sperantes in te Mitte eiis, domine, auxilium de sancto et de Syon tuere eiis, Nihil proficiat inimicus in eiis et filius iniquitatis non nocere eiis. Domine exaudi orationem meam ; et clamor meus ad te veniat. Oremus.

“Suscipiat vos deus pater in numero fidelium suorum scilicet indigni suscipimus te vel vos in orationibus nostris ; et concedat vobis gratiam bene vivendi et justiciam bene perseverandi et sicut nos hodie caritas fraternitatis conjungere in terris. ita divina pietas nos conjungere dignetur in cœlis per Christum dominum.

“Deus qui concedisti, obtentui beati Anthonii (vt supra) [*hic iniunctis manibus eorum dicitur eis*] Suscipimus te in fratrem et damus tibi nostram societatem ; facimus te participem in omnibus oracionibus bonis operibus et suffragiis nostris in eternum. [*Et tunc osculentur in fine.*] Oremus.”

TRANSLATION.

THE OFFICES AND DUTIES OF THE FRATERNITY,
OR FORM OF WORSHIP.

We worship Thy glorious name, O God, in the midst of Thy temple. According to Thy majesty, O God, let Thy praise be in the ends of the earth. Thy right hand is full of justice.

The Psalm—"Have mercy upon me, O God" (Miserere mei Deus, li.).

„ „ „Great is the Lord," &c. (Magnus Dominus, xlviii.).

„ „ „Behold, how good," &c. (Ecce quam bonum, cxxxiii.).

"Kyrie eleison"—(Lord, be merciful), "Christe eleison" (Christ have mercy.) "Kyrie eleison." (Lord, be merciful).

"Pater noster"—(Our Father).

The Psalm—"Not unto us," &c. (Et ne nos, cxv.).

Let us pray to God.

That this fraternity be acceptable to God, to the blessed Virgin Mary, and to the blessed Anthony. Save Thy servant, and Thy servants, O God, who put their trust in Thee. Send them help from out Thy sanctuary, O Lord, and protection from Zion. Let not the enemy prevail against them, nor the son of iniquity hurt them. O Lord, hear my prayer, and let my cry ascend to Thee.

Let us pray.

May God the Father receive you into the number of His faithful, as we, though unworthy, receive you into our prayers; and may He grant you grace to live righteously, and persevere in well-doing, and as to-day brotherly love unites us on earth, so may divine love unite us hereafter in heaven, through Christ our Lord.

O God, who didst grant the humble entreaty of the blessed Anthony (as before).

Then follows this, spoken at the laying on of hands.

We receive thee as a brother, and admit thee to our society, and make thee partaker on all occasions in our good works and prayers for ever.

Then finally they shall give him the kiss of peace.

Let us pray.

It is statuet and ordanit in our scheptour for sindri resonabil causis that the saulis of thaim that has gevin zeirlic perpetuall rent to this abbay and hospitall of Sanct Antonis besyd Leith or has augmentit Goddis service be fundacion, or ony vther vays has gevyn substancially of thair gudis to the byggyn reparacion and vphaldyng of the forsaid Abbay and place, that thai be prayit for ylk Sunday till the day of dome. And in speciall oppynly thar namys expremyt als weil the quhik as the deid. That mair abundantly thai may resaif the suffragyis prayer and power of the ordour with the Indulgens prayer and pardonys grantit and gevyn be the sege of Rome at the reverence of God Almychty, the glorious Virgyn and of our holy Fader and patron Sanct Anthon.

[Then follows a list of the principal benefactors of the Monastery, for whom masses were to be offered. The list is as under :—]

In the fyrst for Kyng James, ye first and Quhen Jane, his spous yair predecessouris and successourys.*

For James Kennedy, bischop of Sanct Andros, his predecessourys and successouris.†

For Schir Robert Logan, of Restalrig,‡ knyght, our fowndour, and dame Katryne, his spous, thar predecessouris and successouris.

* James I. of Scotland was born in 1394, and after a captivity of nineteen years in England, commenced his actual reign in 1424. He was murdered on the 20th February, 1437. He married the Lady Joanna Beaufort, daughter of the Duke of Somerset. The monastery of St. Anthony was founded under the sanction of James I.

† Bishop James Kennedy, of St. Andrews, an early promoter of St. Anthony's monastery, was a liberal and distinguished prelate. He founded St. Salvator's College, St. Andrews, and in the minority of James III. was chief administrator of public affairs. He died on the 10th May, 1466, aged sixty. His mother, the Countess of Angus, was a daughter of Robert III.

‡ Sir Robert Logan, of Restalrig, was founder of the monastery. He, or his father, Sir Robert Logan, married a daughter of Robert II. by his queen Euphemia Ross.

For William Mudy, bischop of Caitnes,* and Gilbert Mudy.

For Schir James Logane,† knycht, and Dame Jane, his spous, and yair successouris.

For Master Johne Gray, parson of Lifton.

For Master Adam of Mongamry, parson of Dunkell.

For Laurence, of Bawlon, and Jonat, his spous.

For Schir William Crethton, lord of that Ilk, and his spous.

For Thomas Turyng, and Alison, his spous.

For Maister Robert Steill, person of Dolphynton.

For Schir Johne of Crawford, and Schir William of Crawford.

For Gregory Logane, and Margret, his spous.

For Johne Alyson, and Cristiane, his spous.

For William, of Strathauchan, and Elizabeth, his spous.‡

For Alward Ysbrand, and Agnes, his spous.

For Thomas Armonar, and Marion, his spous.

For Andro Matheson, and his spous.

For Jhone Lambe, and Cristiane, his spous.

For William Logane, of Coitfeild, and Annabell, his spous.

For Patrik Logane, of Coitfeild, and Jonat, his spous.

For Archbald Hepburn, in Hadington, and his spous.

For William of Clunes, and Jonat, his spous.

For Johne, of Lau, and Elizabeth, his spous.

For James of Ross, and Agnes, his spous.

For Maister David Monypenny,§ Rector of Sanctandros.

For Michel, of Chalmur, and Jonat, his spous.

* William Mudie was Bishop of Caithness in 1455.

† Sir James Logan was probably the son and successor of Sir Robert Logan, founder of the monastery.

‡ A branch of the house of Strachan, or Strathauchin, of that ilk, and afterwards of Thornton, were early settlers in Edinburgh. During the fifteenth century Vincent Strathauchin was a deputy clerk of the city. John Strathauchin is named in 1463 as renting from the corporation a shop or booth.—*Burgh Records of Edinburgh*.

§ In 1211 Ricardus de Monypenny obtained the lands of Pitmilly, Fifeshire, which are still in possession of the family. Master David Monypenny, rector of St. Andrews, was doubtless a member of this sept.

For Daid Quhit, and Jonat, his spous.
 For William Morthoson, Jonat and Agnes, his spousys.
 For Edward Logane.
 For Laurence Bertraham, and Anot, his spous.
 For Thomas Bell, and Katerine Bertraham, his spous.
 For James Wilson—for Johne Cant.
 For Elene Clerk, ye spous of
 For Johne Curig, procuratour of Sanct Anthonys.
 For Dene Alexander Crawford, preceptor of Sanct
 Anthon's.
 For Johne Matheson, in Broith, and Alison, his spous.
 For Walter Buschart, and Marion, his spous.
 For Johne Lawson, and Margret Cokburn, his spous.
 For Elizabeth Lawson, spous of ye Laird of Waraston.
 For Dene Richard Thomson, preceptor of Sanct Anthony.
 For William Claperton, and Elizabeth Lummesdan, his
 spous.

For Johne Culross, and Jonat Lyndesay, his spous.

[Here follows the obituary, each day of the week being denoted by the letters a, b, c, d, e, f, and g. The following entries occur:—]

JANUARIUS.

Obitus Jacobi Ross, anno domini m^occcc^olxx.

MARTIUS.

(6th.) Obitus domini Roberti Logane, militis donatoris fundi preceptorie Sanct Anthonis, prope Leith, anno domini m^occcc^oxxxix^o.

(12.) Obitus Patricis Logane, anno domini m^occcclxi.

(19th.) Obitus Johannis Lambe, anno domini m^occcclxvi.

APRILIS.

(3rd.) Obitus Agnetis Berton, anno m^ov^oiii.

Obitus Johannis Curry, anno m^ov^oxi^oii.

Obitus Annabelle Strathauchyn, anno domini m^occcclxvii.

MAY.

(4th.) Obitus Johannis Cant et Helene Clerk, ejus spouse qui obiit, anno domini m^ov^oxxviii^o.

(11th.) Obitus David Quhit, burgensis de Edinburgh, anno m^occcc^olxxxix.

(19th.) Obitus Laurencii Bawlon, et conjugis ejus anno m^occcc^ol^{mo}.

Obitus Johannis Law, anno m^occcclvij^o.

JUNIUS.

(24th.) Obitus Alardi Ysbrand et Agnetis Joffray vxoris ejus, anno m^occccxlj.

JULIUS.

(1st.) Obitus Willelmi Clunes et Jonete conjugis ejus anno m^occcclj.

AUGUSTUS.

(12th.) Obitus Laurencii Bertrem, et Anote, spouse sue anno m^ov^o.

SEPTEMBER.

Obitus Johannis Allanson et conjugis ejus anno m^occcc quarto.

Obitus Johannis Dudyingston, anno m^occccxvi. Obitus Willelmi Morthoson, anno m^occccxcij.

OCTOBER.

Obitus Jonete Morthoson, anno m^occcclxxxv.

Obitus Thome Armonar et conjugis ejus anno m^occccxl.

NOVEMBER.

Obitus Elene Clerk, anno m^occcc^olxxxix.

Obitus Walteri Buchart et Mariote, spouse sue, anno m^ov^oxxi.

Obitus domini Johannis Crawford, anno m^occccxli.

DECEMBER.

Obitus Eduardi Logane.

Obitus Thome Bell, anno domini cccxcix.

The following Inventory of documents connected with the dissolved monastery of St. Anthony was prepared by some unknown person connected with the Kirk-session or incor-

porated trades at Leith, about the beginning of the seventeenth century.*

Inventory of the Writes and Securities belonging to the Kirk Session of South Leith, which are pairtly in their own Charter Chest, and pairtly in the Charter Chest kept by the four Incorporations of Leith, digested into some order and method, and beginning with the rights of the preceptory of St. Anton's.

No. 1. An Oblidgement by friar Michael Gray, Master of the Hospital of St. Anton's near Leith, with consent of his brethren of the convent, in favors of William of Clunes of Leith, and Janet his Wife, whereby in consideration that the said William and Janet, had freely given to God and St. Anton's, their Tenement with the pertinents lying in the town of Leith, the preceptor obliges him and his successors to say Masses for the souls of the donors, and to receive them into their Hospital, in manner and upon the provisions therein mentioned. It also contains a reservation of an annualrent of half ane merk each one, to William and his wife, and ane other to Gregory Logan and others. This Oblidgement is dated the 27th day of February 1444. Sealed with St. Anton's seal.

2nd. Ane Charter granted by William Creighton, Chancellor of Scotland, with consent of James Creighton of Frendraught his eldest son and apparent heir, in favors of the preceptor of St. Anton's near Leith and Convent of the same, and their successors, of his lands with the pertinents, lying in the town of Leith, on the east syde of the water thereof, in the barony of Restalrig and sheriffdom of Edinburgh, betwixt the lands of umquhil John Pittendreich, on the east, and the high way on the west; the lands of Sir John Winton, parson of Pennycuik on the south and the common shoar on the north pairts, on payment of eleven merks yearly with a sufficient chamber within the territory and mansion of St. Anton's, for the sustentation of an Chaplain. This Charter is dated the 16th day of May 1448.

3rd. Charter of confirmation under the great seal, confirming the foresaid charter of mortification—this charter of confirmation is dated the 29th day of September 1451 years.

4th. Ane Charter granted by Elizabeth Lauder, daughter and one of the heirs of umquhil George Lauder, in favors of the Master and Convent of the place of St. Anton's near Leith, of an annual rent of

* General Hutton's Collections, vol. v., Advocates Library.

four shillings Scots yearly to be uplifted furth of ane land lying in the burgh of Edinburgh, under the castell wall betwixt the land of David Whytehead, on the east, and the land of William Rhein on the west. This charter is dated the 15th day of December 1491, and is sealed with the granter's seall, and bears also to be sealled with the baillies seall, in token of his giving infestment.

5th. Commission by the Pope to William Mourtoun, preceptor of St. Anton's near Leith in Scotland, constituting him preceptor of the said preceptory, and procurator general for managing the said preceptory, and in gathering the revenue thereof, and containing several other clauses and priviledges dated at Rome the 19th day of February 1492. As also another parchment bearing particular regulations with regard to the apparel and ceremonial observances of the brethren.

6th. An patent or commission By Pope Leo to Richard Thomson conferring the priviledge of the said House or Hospital dated the 3d August 1513 and the first year of Leo's popedom.

7th. An Agreement under form of instrument betwixt John Barton elder, indweller in Leith on the one part, and Sir Alexander Crawford preceptor of the house of St. Anton's near Leith, on the other part, by which John Barton did resigne his annualment of four merks which he held of St. Anton's, out of John Dickson's houses in Leith, in the hands of the said preceptor *ad perpetuam remanentiam*, for which the preceptors of St. Anton's were to infest the said John and his heirs in an rent of fourteen shilling to be uplifted furth of another tenement of land lying in Leith. This Agreement is dated the 13th day of May, 1510. Jasper Main notar thereto.

8th. Instrument of Seasine given by Sir Richard Thomson, preceptor of St. Anton's *propriis manibus* to John Innis and Margaret Lundie his spouse of an annual rent of four merks Scots yearly to be uplifted out of Laurance Barton's tenement of land lying in Leith, betwixt the lands of St. Anton's, on the east, the croft or land of John Mathieson on the west, the land of John Logan on the south, and the land of umquhil George Chaplain on the north pairts. This Seasine is dated the 5th day of December 1519—John Thomson, notar thereto. Sealled with St. Anton's seall.

9th. Charter by the said Sir Richard Thomson, preceptor of St. Anton's to the said John Innis and Margaret Lundie his spouse of

the foresaid annual rent of four merks to be uplifted out of the said Laurence Barton's land, dated the 7th day of December 1519. Subscribed by the preceptor and some of the friars and sealed with the common seall of the preceptory.

10th. Instrument of Seasine given by Sir Richard Thomson, preceptor of St. Anton's to Elizabeth Lawson, daughter and heir of umquhil John Lawson, of ane land, fallen and ruinous, belonging of old to John Lawson and Margaret Cockburn his spouse, lying in the town of Leith, on the south syde of the water thereof, barony of Restalrig and sheriffdome of Edinburgh, betwixt other land of the said umquhil John Lawson on the east, and the high way called the hill on the west; the land of George Knightson on the south, and the land of Walter Whyte on the north, and of ane rent of three pounds twelve shillings Scots, to be uplifted out of the foresaid lands of umquhile Walter Whyte, betwixt the foresaid land of umquhill John Lawson on the east and south, the shoar on the north, and the common way called the hill, on the west, with a resignation *ad remanentiam* of the said land, and annualrent by the said Elizabeth Lawson with consent of Andrew her husband, in the hands of the said Preceptor of St. Anton's to be upon by him and his successors at pleasure. This Seasine is dated the 14th day of November 1523, John Thomson notar thereto.

11th. Instrument of Resignation by John Mathieson, in the hands of the preceptor of St. Anton's, *ad perpetuam remanentiam* of an annual rent of ten shillings Scots, to be uplifted out of some lands in Leith; but both the date of this instrument and resignation of the lands are torn away; John Jackson is notar thereto and there is a seall appended to it.

12th. An Charter granted by King James the 6th, with consent of the Earle of Marr then Regent, to the Baillies, Councill and Community of the town of Leith, and their successors for ever of all lands, tenements, fruits and annual rents, belonging to any chaplainrys, founded within any kirk, chapell or college within the town of Leith. This Charter is dated the 10th day of June 1572.

13th. Copie of an signature, granted by king James the 6th in favors of Mr. John Hay, one of the ordinary Clerks of Session, of the preceptory of St. Anton's, and of the place or ground, where the kirk of the said preceptory of St. Anton's stood, and of all lands, tenements, rents, annual rents which belonged thereto (except the manse

and four aikers of land for the gleib conform to Act of Parliament) and also of all and sundry parsonage teynds of the lands of Reid-halls, Collingtoun, Oxengains, and half lands of Cornistoun, which lykewise pertained to the said preceptory, with the vicarage of the haill paroch of Hailles, and of certain tenements and annualrents, mentioned in the said gift, which also formerly belonged to the said preceptory, by which signature the foresaid preceptory and benefice thereof is dissolved and suppressed. And it is ordained that there should never thereafter any successor or preceptor be provided to the said preceptory, and benefice thereof, and the vassals to hold of the said Mr. John Hay. This paper is so worn that it cannot be all read, and it wants the end whereby the date cannot be known, but it seems to have been dated in the year 1592, and this paper is thought to be the same with the copy of Mr. John Hays gift of St. Anton's, copied out of Mr. William Chalmers his book in anno 1633.

14th. Charter of feu farm granted by the said Mr. John Hay to Daniell Hay his brother and Margaret Purdie his spouse of all and haill that place or ground on which the kirk of the preceptory of St. Anton's near the town of Leith of old stood, with the kirk yard, mansion houses, biggings, yards, orchards and haill pertinents to be holden of the granter, in feu farm for payment of half an merk yearly. This Charter is dated the fifth day of March 1592.

15th. Instrument of Seasine following thereupon of the same date, Mr. George Tod, notar thereto.

16th. Charter of confirmation under the great seal of the foresaid feu farm. Charter dated the 26th day of February 1593.

17th. Two Instruments of Resignation by the said Mr. John Hay, and Daniell Hay his brother, of the foresaid Preceptory of St. Anton's with the place or ground where it stood, and of severall lands tenements and annual rents, belonging thereto, in the hands of King James 6th, in favor of the ministers, elders, and deacons of the Kirk Session of Leith, and their successors in office, in name and behalf of the poor of the Hospital of Leith present and to come. These two instruments are dated the 11th day of August 1596—David Maysie notar thereto.

18th. Instrument of Resignation by the Baillies, Council and Community of the town of Leith, in the hands of King James the 6th of all lands, tenements, rents annual rents belonging to any chaplainrys,

prebendarys founded within the town of Leith, in favor of the ministers, elders and deacons of the kirk of Leith and their successors in office, in name and behalf of the poor of the Hospital there of present and to come—This instrument is dated the 11th day of August 1596. Mr. David Maysie notar thereto.

19th. An Charter under the great seall by King James the sixth, to the minister, elders and deacons of the Kirk Session of Leith, and their successors in office, in name and behalf of the poor of the Hospital of the same, present and to come, of all and sundry lands, tenements and annual rents, which pertained to whatsomever chaplainrys, vicarages within the towns of Leith and Restalrig and of the place or ground where the Kirk of St. Anton's formerly stood, and annual rents and others belonging to the said Preceptory. This Charter is dated the 23rd day of September 1596 and bears to proceed upon the resignation of Mr. John and Daniell Hays.

20th. Precept of Seasine under the quarter seall relative thereto, and of the same date therewith.

21st. Instrument of Seasine following thereupon, in favor of the said minister, elders and deacons dated the 27th day of November, 1596, Patrick Glassfoord, notar thereto.

22nd. Assigation by the said Mr. John Hay to the said ministers and elders of Leith, of the byrunne rents and duties of the foresaid lands of St. Anton's dated the 8th day of October 1596, which assigation relates to a disposition and procuratory of resignation, granted by the said Mr. John Hay, to the said Kirk Session, of the foresaid lands of St. Anton's.

23rd. An Decreet conform at the instance of the ministers, elders and deacons of the Kirk Session of Leith, against all and sundry feuars, tenants and possessors of any lands, tenements, annual rents belonging to St. Anton's, or any chaplainrys, prebendarys within the towns of Leith and Restalrig for the and year 1597 and in all time coming. This decreet is sealed the day of 1597; it is obtained before the Lords of Session. The extract is under the hand of Sir John Skene, Clerk Register, and it proceeds on the charter above mentioned.

24th. Letters of Horning raised thereupon of the same date with the decreet, subscribed by Alexander Lantie; signeted the 12th day of December 1606. Registrat at Edinburgh the 4th day of January 1609—the executions are lost.

25th. Contract of feu farm betwixt the ministers, elders and deacons of the Kirk Session of Leith, preceptors of St. Anton's, heritable proprietors of the wind mill, kiln houses and pertinents thereof diged in the yard called St. Anton's yard, lying upon the west pairt of the town of Leith, on the one pairt, and Mr. Jeremiah Lindsay of Dinyne on the other part, whereby the Session disposes to him in feu farm the said wind mill, kiln and houses thereof, for payment of four pennys Scots yearly. This contract is dated the last day of February 1606.

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